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Summary

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Part 2 – LAWS AND REGULATIONS

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(1) Acts assented to;

(2) proclamations and Orders in Council for the coming into force of Acts;

(3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;

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Gazette officielle du Québec
Email: gazette.officielle@servicesquebec.gouv.qc.ca
425, rue Jacques-Parizeau, 5e étage
Québec (Québec) G1R 4Z1

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PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

Québec, 2 May 2024

Office of the Lieutenant-Governor

Québec, 2 May 2024

This day, at a quarter past one o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

48 An Act to amend mainly the Highway Safety Code to introduce provisions relating to detection systems and other highway safety-related provisions

To this bill the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

Québec Official Publisher

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 7 MAY 2024

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 7 May 2024

This day, at ten past five o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to assent to the following bills:

49 An Act to give effect to fiscal measures announced in the Budget Speech delivered on 21 March 2023 and to certain other measures

52 An Act to enable the Parliament of Québec to preserve the principle of parliamentary sovereignty with respect to the Act respecting the laicity of the State

58 Appropriation Act No. 2, 2024–2025

59 An Act to interrupt the electoral division delimitation process

To these bills the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

Québec Official Publisher

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 48
(2024, chapter 10)

An Act to amend mainly the Highway Safety Code to introduce provisions relating to detection systems and other highway safety-related provisions

Introduced 8 December 2023
Passed in principle 20 February 2024
Passed 1 May 2024
Assented to 2 May 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act amends mainly the Highway Safety Code to introduce various provisions concerning highway safety.

Certain provisions of the Code dealing with detection systems are amended and new provisions are introduced in order to, among other things, empower the Governement to determine which provisions of the Code or its regulations may be monitored by such a system and the locations where such a system may be installed.

The Act introduces a system of monetary administrative penalties and empowers the Government to prescribe, by regulation, provisions of the Code or its regulations for which a failure to comply, observed by means of a detection system, may result in such penalties being imposed. The Société de l'assurance automobile du Québec is empowered to impose such penalties on road vehicle owners and to process applications for the review of the decisions to impose them. The Act also determines the rules applicable when imposing such penalties, in particular those concerning the notification of a notice of claim.

The Act provides for the rules relating to the contestation of a decision imposing a monetary administrative penalty and specifies that such a contestation is to be made, as applicable, before the Administrative Tribunal of Québec or before a contestation body established by a municipality under the Act respecting monetary administrative penalties in municipal matters. It also provides for the rules relating to the collection and recovery of sums owing.

The Government is empowered to determine, among other things, the amounts of monetary administrative penalties and other amounts payable. The amounts collected are to be credited, to the extent determined by the Act, to the highway safety fund, the Access to Justice Fund and the fund dedicated to assistance for persons who are victims of criminal offences.

The Act prescribes various rules of proof applicable in respect of an offence under or a failure to comply with a provision of the Highway Safety Code or its regulations where the offence or failure to comply was observed by means of a detection system. The Act allows for an agreement with a municipality to be made to pay the municipality a portion of the sums collected and prescribes the

purposes for which the sums must be allocated, in particular for financing the costs associated with the management and operation of such systems.

Other highway safety measures concerning, in particular, the protection of vulnerable users are proposed as well as rules regarding access to the road network. In particular, the Act sets the speed limit applicable in a school zone at 30 km/h, unless otherwise directed by signs or signals, and requires the person responsible for the maintenance of a public highway to take into account the guide developed by the Minister of Transport to safely lay out school zones and establish school routes. It also increases the fines for certain offences resulting from unsafe behaviour towards more vulnerable users, including failure to yield to those users.

The Act revises certain rules concerning access to driving a motorcycle, the training required to drive a vehicle and the use of reserved traffic lanes by certain road vehicles.

Lastly, the Act makes consequential amendments to various Acts and contains transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

– Highway Safety Code (chapter C-24.2);

– Code of Penal Procedure (chapter C-25.1);

– Act respecting administrative justice (chapter J-3);

– Act respecting the Ministère de la Justice (chapter M-19);

– Act respecting the Ministère des Transports (chapter M-28);

– Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1);

– Act respecting monetary administrative penalties in municipal matters (chapter S-2.01);

– Act respecting off-highway vehicles (chapter V-1.3);

– Act to modify the rules governing the use of photo radar devices and red light camera systems and amend other legislative provisions (2012, chapter 15);

– Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions (2018, chapter 18).

REGULATION ENACTED BY THIS ACT:

– Regulation respecting the application of various legislative provisions concerning detection systems (2024, chapter 10, section 42).

REGULATION AMENDED BY THIS ACT:

– Regulation respecting licences (chapter C-24.2, r. 34).

REGULATION REPEALED BY THIS ACT:

– Ministerial Order concerning the fine to which a person who contravenes paragraph 9 of section 386 of the Highway Safety Code is liable (chapter C-24.2, r. 1.1).

Bill 48

AN ACT TO AMEND MAINLY THE HIGHWAY SAFETY CODE TO INTRODUCE PROVISIONS RELATING TO DETECTION SYSTEMS AND OTHER HIGHWAY SAFETY-RELATED PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PROVISIONS RESPECTING DETECTION SYSTEMS

HIGHWAY SAFETY CODE

1. Section 3 of the Highway Safety Code (chapter C-24.2) is amended by inserting ", or any failure to comply observed by means of a detection system," after "offence".

2. Section 4 of the Code is amended by inserting the following definition in alphabetical order:

""**detection system**" means any system for measuring or calculating speed or monitoring road behaviour, including photo radar devices and red light camera systems;".

3. Section 251 of the Code is amended, in paragraph 2,

(1) by replacing "photo radar device or a red light camera system" by "detection system";

(2) by replacing "the camera of such a radar device or camera system" by "such a system".

4. Section 294.1 of the Code is replaced by the following section:

"**294.1.** The person responsible for the maintenance of a public highway must erect proper signs or signals to mark every place where a detection system is used to monitor compliance with highway safety rules."

5. Section 312.1 of the Code is replaced by the following section:

"**312.1.** No person may modify all or part of a detection system without the authorization of the owner of the system.

No person may, except with the authorization of the person responsible for the maintenance of a public highway or a member of a police force having jurisdiction over the territory where the system is situated, remove or move all or part of the system."

6. Section 312.2 of the Code is replaced by the following section:

"**312.2.** No person may damage a detection system or interfere in any way with the operation of such a system or with the recording by the device of the elements affixed to or visible in one or more of the photographs taken by the system."

7. Section 312.3 of the Code is amended by replacing subparagraphs *a* and *b* of the first paragraph by the following subparagraphs:

"(1) in any way with the operation of a detection system; or

"(2) with the recording by the device of the elements affixed to or visible in one or more of the photographs taken by the system."

8. Section 332 of the Code is repealed.

9. Section 333 of the Code is amended by replacing "the camera of a photo radar device or of a red light camera system" by "a detection system".

10. Section 334.1 of the Code is amended by replacing "the camera of a photo radar device or of a red light camera system" in the first paragraph by "a detection system".

11. Section 359.3 of the Code is repealed.

12. The Code is amended by inserting the following title after section 519.78:

"**TITLE VIII.3**

"MONITORING COMPLIANCE WITH CERTAIN PROVISIONS BY MEANS OF A DETECTION SYSTEM

"**519.79.** A detection system may be used to monitor compliance with a provision of this Code or its regulations determined by government regulation.

The detection system is approved by the Minister of Transport and the Minister of Public Security by an order published in the *Gazette officielle du Québec*.

"**519.80.** A detection system may be used

(1) in a school zone;

(2) in a place where, in accordance with section 303.1, signs or signals indicate, for the duration of work for the construction or maintenance of a public highway, a speed limit to be respected other than the prescribed speed limit; and

(3) on a public highway or part of a public highway designated by the Minister of Transport.

Such a designation is made according to the criteria determined by government regulation. The list of public highways or parts of public highways so designated is published on the website of the Ministère des Transports. The date of such designation and publication as well as the designated public highway and the documents attesting it shall be registered by the Minister and recorded electronically.

The Minister shall determine the conditions and procedures of an application made by a municipality for the purposes of the designation of a public highway the maintenance of which is under the responsibility of the municipality.

The Government may, by regulation, prescribe that a detection system may be used on a vehicle or other equipment it designates and set out the cases in which and the conditions on which the system may be used. The provisions of the regulation may depart from those of section 294.1, of the second paragraph of section 312.1 and of sections 519.81, 602.7 and 602.8 of this Code if the Government, on the recommendation of the Minister, considers that their application is inconsistent with the use of a detection system as provided for by the regulation.

"**519.81.** The Minister may make an agreement with a municipality under which the Minister is to pay to the municipality a part of the amount of the fines or of the amount of the monetary administrative penalties collected, respectively, for offences or failures to comply observed by means of a photograph or series of photographs taken by a detection system on a public highway the maintenance of which is under the responsibility of the municipality. These sums shall be allocated first to financing the costs associated with the management and operation of such a system and, for any sums remaining, to financing highway safety measures or programs.

For the purposes of the first paragraph, the amount paid to a municipality is determined taking into account, in particular, its responsibilities under Chapter I.1 of Title X.

"**519.82.** The Minister of Transport and the Minister of Public Security shall determine, by regulation, the conditions and procedures for the use of detection systems.

The regulation determines the information that must be contained in a register kept by the Sûreté du Québec or, if applicable, by any other person in charge designated in the regulation, and the persons authorized to make entries in the register."

13. The heading of Chapter I of Title X of the Code is replaced by the following heading:

"GENERAL PROVISIONS RESPECTING ADMINISTRATIVE MATTERS".

14. The heading of Division I before section 547 of the Code is replaced by the following heading:

"PROCEDURE AND PROOF RESPECTING ADMINISTRATIVE MATTERS".

15. The Code is amended by inserting the following section before section 547:

"**546.9.** This Chapter applies to monetary administrative penalties, subject to the special provisions applicable to them under Chapter I.1 of this Title."

16. The Code is amended by inserting the following chapter after section 573.1:

"**CHAPTER I.1**

"SPECIAL PROVISIONS RESPECTING MONETARY ADMINISTRATIVE PENALTIES

"**DIVISION I**

"FAILURE TO COMPLY

"**573.2.** A monetary administrative penalty may be imposed on the owner of a road vehicle where a failure to comply with a provision of this Code or its regulations, determined by government regulation, was observed by means of a detection system.

"**573.3.** No statement of offence may be served for non-compliance with a provision of this Code or its regulations giving rise to the imposition of a monetary administrative penalty under section 573.2.

"**573.4.** No accumulation of monetary administrative penalties may be imposed on the same person for the same failure to comply if the failure occurs on the same day and is based on the same facts.

"**573.5.** The Minister develops and publishes on the website of the Ministère des Transports a general framework for applying monetary administrative penalties in which the Minister specifies, in particular,

(1) the purposes of the penalties, which include encouraging road users to comply with highway safety rules and deterring them from repeatedly failing to comply with those rules;

(2) the categories of offices held by the persons designated within the Société to review a decision to impose penalties;

(3) the criteria to be considered when reviewing such a decision; and

(4) the other procedures connected with imposing such penalties.

"**DIVISION II**

"IMPOSITION OF A MONETARY ADMINISTRATIVE PENALTY AND NOTICE OF CLAIM

"**573.6.** The Société is responsible for imposing monetary administrative penalties under section 573.2 and processing applications for review of such penalties in accordance with the general framework for applying monetary administrative penalties developed by the Minister under section 573.5.

"**573.7.** A monetary administrative penalty is imposed by notifying a notice of claim to the vehicle owner.

The Société notifies the notice of claim to the owner at the most recent address entered in the records of the Société or in a register kept outside Québec by an administrative authority responsible for registering the vehicle involved.

Where a person has agreed to a notice of claim being notified to him by the Société by means of information technologies at the location designated by the Société, the document is deemed to be received once the Société has filed it at that location and a notice informing the person concerned of the filing has been notified by the technological means last preferred by that person on the date of the transmission, as it appears in the Société's records.

The notice of claim may also be notified by a municipality, with respect to public highways it is responsible for maintaining, if it has been authorized by the Minister to do so or has been entrusted with that responsibility by the Minister by an order published in the *Gazette officielle du Québec*. The Société and the municipality must enter into an agreement to establish the procedures connected with the sharing of information necessary for the purposes of this section.

"**573.8.** The notice of claim includes the following particulars:

(1) the failure to comply observed;

(2) the amount claimed and the other sums payable, the reasons why they are payable and the time from which they bear interest;

(3) the photograph or series of photographs of the failure to comply that was taken by a detection system;

(4) the right, under section 573.10, to obtain a review of the decision to impose the monetary administrative penalty and the time limit for exercising that right;

(5) the right, under section 573.15, to contest the review decision before the body responsible for hearing the contestation and the time limit to exercise that right; and

(6) information on the procedures for recovery of the amount claimed.

One or more of the photographs sent must indicate or show the elements affixed to or visible in them without making it possible to identify the occupants of the vehicle or any other person.

"**573.9.** The imposition of a monetary administrative penalty for a failure to comply referred to in section 573.2 is prescribed by one year from the date on which the failure to comply was observed. Notification of a notice of claim interrupts the prescription.

"**DIVISION III**

"REVIEW

"**573.10.** Within 30 days of the notification of the notice of claim, the person concerned by the notice may apply, in writing, for a review of the decision by the Société.

The application for review is sent to the Société or, where applicable, to the municipality that notified the notice of claim.

The person concerned by the notice of claim must, when filing an application for review, present observations and produce any relevant documents.

"**573.11.** The person responsible for reviewing decisions to impose monetary administrative penalties must belong to an administrative unit that is separate from the unit responsible for imposing the penalties.

"**573.12.** Applications for review must be processed promptly.

The person responsible for reviewing a decision renders a decision on the basis of the record unless the person considers it necessary to proceed in some other manner. The person may confirm, quash or amend the decision under review.

"**573.13.** The review decision must be written in clear, concise terms, with reasons given. It must be notified to the applicant by the Société or, if applicable, by the municipality that notified the notice of claim and state that the applicant has the right to contest the decision within 30 days of the notification.

"**573.14.** If the review decision is not rendered within 30 days of receipt of the application or, if applicable, of the time granted to the applicant to finalize observations or produce additional documents, the interest provided for in section 573.22 on the amount owing ceases to accrue until the decision is rendered.

"**DIVISION IV**

"CONTESTATION

"**573.15.** A review decision confirming or amending the decision to impose a monetary administrative penalty may, within 30 days after notification of the decision, be contested by the person concerned by the decision before

(1) the Administrative Tribunal of Québec, where the notice of claim was notified to the person by the Société; or

(2) the contestation body established by a municipality under the Act respecting monetary administrative penalties in municipal matters (chapter S-2.01), where

(*a*) the notice of claim was notified to the person by the municipality; or

(*b*) the Government, by regulation, entrusted that body rather than the Administrative Tribunal of Québec with the hearing of the contestation of the notice of claim that was notified to the person by the Société.

"**573.16.** A municipality referred to in the fourth paragraph of section 573.7 may enter into an agreement with another municipality that is also referred to in that paragraph so that contestations resulting from the notices of claim notified by the first municipality are heard by the contestation body of that other municipality. The two municipalities must be authorized to establish a system of monetary administrative penalties under the Act respecting monetary administrative penalties in municipal matters (chapter S-2.01).

"**573.17.** The Tribunal or municipal contestation body may only confirm or quash the contested decision.

"**573.18.** To ensure a fair process, in keeping with the duty to act impartially and the right to be heard, a government regulation may provide for any rules of procedure. Such regulation may, in particular, prescribe

(1) that the application for contestation of the review decision does not suspend the execution of that decision;

(2) the rules that apply where a party who has been summoned does not appear at the time fixed for the hearing without having provided a valid excuse for his absence, or appears at the hearing but refuses to be heard; and

(3) the rules governing the calling and conduct of hearings, as well as decisions and their review for cause.

A government regulation may authorize a municipality to provide for any rule of procedure applicable before a contestation body established by the municipality.

Subject to the regulation made under the first or second paragraph, the provisions of Chapter II of Title I and Divisions I to IX of Chapter VI of Title II of the Act respecting administrative justice (chapter J-3) apply.

"**573.19.** The notified notice of claim is proof of its content, except on proof to the contrary.

The same applies to a copy of the notice certified by a person authorized to do so by the Société.

"**DIVISION V**

"AMOUNT OF A MONETARY ADMINISTRATIVE PENALTY AND OTHER SUMS PAYABLE

"**573.20.** The amount of a monetary administrative penalty is fixed by government regulation.

The costs relating to the application of the system of monetary administrative penalties determined by government regulation are added to that amount.

"**573.21.** The following amounts are added to the amount of the monetary administrative penalty and to the amount of the costs relating to the application of the system of monetary administrative penalties:

(1) $26 if the amount of the penalty does not exceed $100;

(2) $30 if the amount of the penalty exceeds $100 without exceeding $300; and

(3) $53 if the amount of the penalty exceeds $300.

Out of each amount collected under the first paragraph, the first amount referred to in each of the following subparagraphs is credited to the fund dedicated to assistance for persons who are victims of criminal offences that is established under the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1), whereas the second amount is credited to the Access to Justice Fund established under the Act respecting the Ministère de la Justice (chapter M-19):

(1) $15 and $9 if the amount collected is $26;

(2) $17 and $11 if the amount collected is $30; and

(3) $24 and $16 if the amount collected is $53.

"**DIVISION VI**

"RECOVERY

"**573.22.** From the 31st day after notification of the notice of claim,

(1) the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002); and

(2) the person concerned by the notice of claim is required to pay recovery charges determined by government regulation.

"**573.23.** The Société or municipality, as the case may be, is responsible for collecting and recovering any amount owing in respect of a notice of claim that it has notified. It may, for that purpose, enter into a payment agreement with the debtor.

Such an agreement and the payment of the amount owing do not constitute, for the purposes of any penal proceeding or any other administrative penalty under this Code or its regulations, an acknowledgement of the facts giving rise to it.

For the purposes of this division, a debtor is a road vehicle owner required to pay a monetary administrative penalty and, where applicable, each of the owner's directors and officers who are solidarily liable with the owner for payment of the penalty.

"**573.24.** The government may, by regulation and after consulting with the Société,

(1) prescribe any conditions, terms or rules relating to the collection and recovery of the amounts owing; and

(2) determine in what cases and on what conditions the Société imposes on the debtor, as recovery measures, penalties provided for in this Code, as well as the consequences arising from non-compliance with the penalties imposed and, for those purposes, determine the applicable rules of this Code.

The regulation may also prescribe, among the regulatory provisions determining penalties provided for in this Code, those whose contravention constitutes an offence and renders the offender liable to a fine, the amount of which is set by the regulation."

17. The heading of Chapter II of Title X of the Code is replaced by the following heading:

"GENERAL PROVISIONS RESPECTING PENAL MATTERS".

18. Section 592 of the Code is amended by replacing "evidenced by a photograph or series of photographs taken by a photo radar device or a red light camera system" in the third paragraph by "observed by means of a photograph or series of photographs taken by a detection system".

19. Sections 592.0.0.1, 592.1, 592.1.1, 592.2, 592.2.1, 592.4, 592.4.1 and 592.4.2 of the Code are repealed.

20. Section 595.1 of the Code is amended by adding the following paragraph at the end:

"The cameras referred to in the first paragraph do not constitute a detection system despite the definition of that expression in section 4."

21. Section 597.1 of the Code is amended

(1) by replacing "evidenced by a photograph or series of photographs taken by a photo radar device or a red light camera" in the first paragraph by "observed by means of a photograph or series of photographs taken by a detection";

(2) by striking out the second paragraph.

22. The Code is amended by inserting the following chapter after section 602:

"**CHAPTER II.1**

"PROVISIONS CONCERNING DETECTION SYSTEMS

"**602.1.** The provisions of this chapter supplement those of Chapters I.1 and II of Title X where an offence or failure to comply has been observed by means of a detection system.

"**602.2.** A photograph or series of photographs of a road vehicle taken by a detection system is admissible as evidence

(1) in any penal proceedings for an offence under a provision determined under the first paragraph of section 519.79; and

(2) in any proceedings that could lead to the imposition of a monetary administrative penalty for a failure to comply with a provision determined under section 573.2.

The photograph or series of photographs is proof, in the absence of any evidence to the contrary, of the accuracy of the elements affixed to or visible in one or more of the photographs taken by means of that system.

The Government may, by regulation, prescribe the elements referred to in the second paragraph. The Government may also, by regulation, determine other rules of proof applicable in respect of an offence or a failure to comply observed by means of a detection system.

"**602.3.** Where the prosecutor or the Société alleges that a public highway was designated by the Minister, the prosecutor or the Société is not obliged to prove it unless the person concerned by the statement of offence or, where applicable, the notice of claim requires it and notifies the prosecutor or the Société accordingly at least 30 days before the appointed date for the trial or the hearing of the contestation, as the case may be. The prosecutor and the Société may waive such notice.

"**602.4.** In proceedings for an offence observed by means of a photograph or series of photographs taken by a detection system, one or more of the photographs must indicate or show the elements that are affixed to or visible in one or more of the photographs taken by the system, without making it possible to identify the occupants of the vehicle or any other person.

"**602.5.** Despite section 592, no owner of any of the following road vehicles may be convicted of an offence observed by means of a photograph or series of photographs taken by a detection system:

(1) a police force vehicle;

(2) an ambulance service vehicle;

(3) a fire safety vehicle;

(4) an emergency vehicle used by the Société;

(5) an emergency vehicle used mainly in emergency situations to bring medical personnel or medical equipment to a location where a person requires immediate medical care; or

(6) an emergency vehicle used mainly in emergency situations to bring a technician or rescue equipment to a location where rapid intervention is required in order to provide immediate medical care.

In addition, despite sections 573.2 and 573.7, no monetary administrative penalty may be imposed on any owner of a road vehicle referred to in the first paragraph.

"**602.6.** An offence observed by means of a photograph or series of photographs taken by a detection system does not entail the issue of demerit points unless the driver was intercepted and was served with a statement of offence for the offence so observed.

"**602.7.** In the case of an offence or failure to comply observed by means of a photograph or series of photographs taken by a detection system, the prosecutor or the Société, as the case may be, is not required to prove the presence of road signs or signals marking the place where a detection system is used in accordance with section 519.79.

No proceedings may be dismissed, no defendant may be acquitted and no procedure that could lead to the imposition of a monetary administrative penalty may be stopped on the grounds that road signs or signals described in the first paragraph were inadequate or absent.

"**602.8.** In the case of an offence observed by means of a photograph or series of photographs taken by a detection system, a peace officer, the supplier of such a system, its manufacturer or any person authorized to carry out maintenance on the system is not required to give oral testimony at trial unless a summons authorized by a judge requiring the person to attend to testify is issued in accordance with the Code of Penal Procedure (chapter C-25.1). In such a case, article 63 of that Code does not apply.

The judge shall authorize a summons referred to in the first paragraph only if satisfied that the testimony of that person is useful to allow the prosecutor to prove the commission of an offence, to afford the defendant the benefit of a full and complete defence or to allow the judge to rule on a question submitted to him, as applicable.

In the case of a failure to comply observed by means of a photograph or series of photographs taken by a detection system, a peace officer, the supplier of such a system, its manufacturer or any person authorized to carry out maintenance on the system is not required to make representations, unless compelled to do so by the person responsible for hearing the contestation, who may impose it only if satisfied that the representations of that person are useful to prove the failure to comply, to enable the applicant to submit observations and avail himself of the right to be heard, or to allow the person responsible for hearing the contestation to rule on a question submitted to him, as applicable."

23. The Code is amended by inserting the following section after section 620:

"**620.1.** The Government may, by regulation,

(1) determine the provisions of this Code or its regulations compliance with which may be monitored by means of a detection system;

(2) determine the criteria according to which a public highway or part of a public highway may be designated by the Minister;

(3) prescribe that a detection system may be used on a vehicle or other equipment it designates and set out the cases in which and the conditions on which the system may be used, and, for those purposes, depart from the provisions of section 294.1, of the second paragraph of section 312.1 and of sections 519.81, 602.7 and 602.8 of this Code if it considers, on the Minister's recommendation, that their application is inconsistent with the use of a detection system as provided for by the regulation;

(4) prescribe the elements affixed to or visible in one or more of the photographs that are proof, in the absence of any evidence to the contrary, of their accuracy;

(5) prescribe other rules of proof applicable in respect of an offence or a failure to comply observed by means of a detection system;

(6) prescribe the failures to comply with a provision of this Code or its regulations observed by means of a detection system that give rise to the imposition of a monetary administrative penalty;

(7) entrust a municipal contestation body with the hearing of contestations of monetary administrative penalties where a notice of claim was notified by the Société;

(8) provide for any rule of procedure applicable to hearing contestations of monetary administrative penalties;

(9) fix the amount of a monetary administrative penalty or determine the methods for calculating it, which may vary according to the seriousness of the failure or depending on whether the person in default is a natural person or a legal person;

(10) determine the costs relating to the application of the system of monetary administrative penalties and the recovery fees;

(11) prescribe all the terms, conditions or rules relating to the collection and recovery of the sums owing; and

(12) determine in what cases and on what conditions the Société imposes on the debtor, as recovery measures, penalties provided for in this Code, as well as the consequences arising from non-compliance with the penalties imposed and, for those purposes, determine the applicable rules of this Code and prescribe the penalties whose violation constitutes an offence and renders the offender liable to a fine, the amount of which is set by the Government."

24. Section 621 of the Code is amended by inserting the following subparagraph after subparagraph 21 of the first paragraph:

"(21.1) determine the conditions and procedures according to which the person responsible for the maintenance of a public highway must, in respect of an illuminated variable or non-variable message sign, record and electronically log any speed limit posted on such a sign as well as any information that the recording and logging must include;".

25. Sections 634.3 and 634.4 of the Code are repealed.

CODE OF PENAL PROCEDURE

26. Article 146 of the Code of Penal Procedure (chapter C-25.1) is amended by striking out "or, if applicable, to send a declaration referred to in section 592.1 or 592.1.1 of the Highway Safety Code (chapter C-24.2) within the time prescribed by section 592.1 of that Code" in the second paragraph.

27. Article 157.2 of the Code is amended by replacing "evidenced by a photograph or series of photographs taken by a photo radar device or a red light camera system" in paragraph 2 by "observed by means of a photograph or series of photographs taken by a detection system within the meaning of section 4 of the Highway Safety Code (chapter C-24.2)".

28. Article 158.0.1 of the Code, enacted by section 5 of chapter 7 of the statutes of 2024, is amended by replacing "evidenced by a photograph or series of photographs taken by a photo radar device or a red light camera system, or of the offence provided for in section 417.2 of the Highway Safety Code (chapter C-24.2)" by "observed by means of a photograph or series of photographs taken by a detection system within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), or of the offence under section 417.2 of the Code".

29. Article 163 of the Code is amended

(1) by striking out "or, if applicable, send the declaration referred to in section 592.1 or 592.1.1 of the Highway Safety Code (chapter C-24.2)" in the introductory clause of the second paragraph;

(2) by striking out the third paragraph.

30. Article 218.4 of the Code is amended, in the second paragraph,

(1) by replacing subparagraph 6 by the following subparagraph:

"(6) in the cases referred to in paragraph 3 of article 157.2, the certificate of the person authorized for that purpose by the prosecutor attesting that the statement of offence and the photograph or photographs were sent in accordance with section 592.5 of the Highway Safety Code (chapter C-24.2);";

(2) by striking out subparagraph 7;

(3) by striking out "or, if applicable, send, within the time prescribed in section 592.1 of the Highway Safety Code, the declaration referred to in that section or in section 592.1.1 of that Code" in subparagraph 8.

31. Article 218.5 of the Code is amended

(1) by replacing "in subparagraphs 4 to 7" in the first paragraph by "in subparagraphs 4 to 6";

(2) by striking out "and, if applicable, that the defendant did not send within the time prescribed in section 592.1 of the Highway Safety Code (chapter C-24.2) a declaration referred to in that section or in section 592.1.1 of that Code" in the second paragraph.

32. Article 228.1 of the Code is amended by striking out "592.1 or" in the second paragraph.

ACT RESPECTING ADMINISTRATIVE JUSTICE

33. Section 36 of the Act respecting administrative justice (chapter J-3) is amended by adding the following paragraph at the end:

"It is also charged with making determinations in respect of the proceedings referred to in paragraph 6 of Schedule IV pertaining to monetary administrative penalties."

34. Section 37 of the Act is amended by adding the following paragraph at the end:

"However, proceedings under paragraph 1 of section 573.15 of the Highway Safety Code (chapter C-24.2) shall be heard and determined by a single member who shall be an advocate or notary."

35. Section 97 of the Act is amended by inserting "and by the Minister of Transport, out of the highway safety fund" after "Individual and Family Assistance Act (chapter A-13.1.1)" in subparagraph 2 of the second paragraph.

36. Schedule IV to the Act is amended by inserting "and paragraph 1 of section 573.15" after "section 560" in paragraph 6.

ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

37. Section 32.0.3 of the Act respecting the Ministère de la Justice (chapter M-19) is amended by inserting the following paragraph after paragraph 1:

"(1.1) the sums collected under section 573.21 of the Highway Safety Code (chapter C-24.2), to the extent determined in that section;".

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

38. Section 12.39.1 of the Act respecting the Ministère des Transports (chapter M-28) is amended

(1) in paragraph 1.1,

(*a*) by striking out "sections 509 and 516 to 516.2 of";

(*b*) by replacing "evidenced by a photograph or series of photographs taken by a photo radar device or a red light camera system" by "observed by means of a photograph or series of photographs taken by a detection system within the meaning of section 4 of the Code";

(2) by inserting the following paragraphs after paragraph 1.2:

"(1.2.1) amounts collected from monetary administrative penalties imposed under section 573.2 of the Code;

"(1.2.2) administrative fees collected for the application of the system of monetary administrative penalties under the second paragraph of section 573.20 of the Code;";

(3) by replacing "photo radar device or red light camera system" in paragraph 1.3 by "detection system".

39. The Act is amended by inserting the following section after section 12.39.2:

"**12.39.3.** The Minister of Transport and the Société de l'assurance automobile du Québec shall enter into an agreement for the purpose of reimbursing the expenses incurred for the application of the system of monetary administrative penalties provided for in Chapter I.1 of Title X of the Highway Safety Code (chapter C-24.2). Those sums are debited from the Fund.

The sums paid to a municipality under an agreement entered into in accordance with section 519.81 of that Code are also debited from the Fund."

ACT TO ASSIST PERSONS WHO ARE VICTIMS OF CRIMINAL OFFENCES AND TO FACILITATE THEIR RECOVERY

40. Section 12 of the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1) is amended by inserting the following paragraph after paragraph 3:

"(3.1) the sums collected under section 573.21 of the Highway Safety Code (chapter C-24.2), to the extent determined in that section;".

ACT TO MODIFY THE RULES GOVERNING THE USE OF PHOTO RADAR DEVICES AND RED LIGHT CAMERA SYSTEMS AND AMEND OTHER LEGISLATIVE PROVISIONS

41. Section 21 of the Act to modify the rules governing the use of photo radar devices and red light camera systems and amend other legislative provisions (2012, chapter 15) is amended by striking out paragraphs 3 and 5.

REGULATION RESPECTING THE APPLICATION OF VARIOUS PROVISIONS CONCERNING DETECTION SYSTEMS

42. The Regulation respecting the application of various provisions concerning detection systems, the text of which appears below, is enacted.

"REGULATION RESPECTING THE APPLICATION OF VARIOUS PROVISIONS CONCERNING DETECTION SYSTEMS

"**CHAPTER I**

"PROVISIONS OF THE HIGHWAY SAFETY CODE WITH WHICH COMPLIANCE MAY BE MONITORED BY MEANS OF A DETECTION SYSTEM

"**1.** Compliance with the following provisions may be monitored by means of a detection system:

(1) with respect to compliance with speed limits: the second paragraph of section 299, sections 303.2 and 328, the third paragraph of section 329 and sections 496.4 and 496.7 of the Highway Safety Code (chapter C-24.2); and

(2) with respect to compliance with stops at red lights: section 359 of the Code.

"**CHAPTER II**

"FAILURES TO COMPLY GIVING RISE TO THE IMPOSITION OF A MONETARY ADMINISTRATIVE PENALTY

"**2.** In the case of a failure to comply with the second paragraph of section 299, section 328, the third paragraph of section 329 or sections 496.4 and 496.7 of the Highway Safety Code observed by means of a detection system, a monetary administrative penalty may be imposed on the owner of the road vehicle with which the failure to comply was committed, in the amount of $30, plus

(1) if the speed exceeds the speed limit by 1 to 20 km/h, $10 for each 5 km/h by which the speed exceeds the speed limit;

(2) if the speed exceeds the speed limit by 21 to 30 km/h, $15 for each 5 km/h by which the speed exceeds the speed limit;

(3) if the speed exceeds the speed limit by 31 to 45 km/h, $20 for each 5 km/h by which the speed exceeds the speed limit; or

(4) if the speed exceeds the speed limit by 46 to 59 km/h, $25 for each 5 km/h by which the speed exceeds the speed limit.

No monetary administrative penalty may be imposed in the case of a failure to comply with the provisions set out in the first paragraph in the following cases:

(1) in a zone where the maximum authorized speed limit is 60 km/h or less, if the speed of the road vehicle measured by means of a detection system is 40 km/h or more over the posted speed limit;

(2) in a zone where the maximum authorized speed limit is over 60 km/h but not over 90 km/h, if the speed of the road vehicle measured by means of a detection system is 50 km/h or more over the posted speed limit;

(3) in a zone where the maximum authorized speed limit is over 90 km/h, if the speed of the road vehicle measured by means of a detection system is 60 km/h or more over the posted speed limit;

(4) in a school zone, during the school period within the meaning of the Regulation to govern the establishment of school zones and define the school period (chapter C-24.2, r. 24.01); or

(5) in a place where, in accordance with section 303.1, signs or signals indicate, for the duration of work for the construction or maintenance of a public highway, a speed limit to be respected other than the prescribed speed limit.

"**CHAPTER III**

"ELEMENTS OF A PHOTOGRAPH OR SERIES OF PHOTOGRAPHS THAT ARE PROOF OF THEIR ACCURACY

"**3.** The photograph or series of photographs taken by a detection system is proof of the accuracy of the following elements that are affixed to or visible in one or more of the photographs:

(1) the place where the photograph or series of photographs was taken, with reference to an identifier or otherwise;

(2) the date and time on which the photograph was taken;

(3) the road vehicle; and

(4) the registration plate number of the road vehicle.

"**4.** The photograph or series of photographs taken by a detection system is also proof of the accuracy of the following elements that are affixed to or visible in one or more of the photographs:

(1) if the detection system is used to measure or calculate speed,

(*a*) the authorized speed limit, except the speed limit set under any of sections 299, 303.1 and 329, and

(*b*) the speed of the road vehicle recorded by the detection system; and

(2) if the detection system is used to monitor traffic at red lights, the traffic light involved."

CHAPTER II

OTHER HIGHWAY SAFETY-RELATED PROVISIONS

HIGHWAY SAFETY CODE

43. Section 3.1 of the Highway Safety Code (chapter C-24.2) is amended by replacing "and mobility impaired persons" in the second paragraph by ", mobility impaired persons and persons who, in the performance of their duties, work on foot on a public highway".

44. Section 62 of the Code is repealed.

45. Section 65 of the Code is amended by replacing "particulars" by "endorsements".

46. Section 66.1 of the Code is replaced by the following section:

"**66.1.** Persons applying for a driver's licence must, in the cases and on the conditions prescribed by regulation, successfully complete the Société's training program for driving a road vehicle or any other training determined by regulation to obtain the class of licence applied for or to have an endorsement indicated on their licence.

The Government may, by regulation, set the maximum and minimum amounts payable to undergo the training to drive a passenger vehicle."

47. The Code is amended by inserting the following section after section 66.1:

"**66.2.** The Société establishes the training program for driving a road vehicle and sets the parameters of the program. The Société may, on the conditions it determines, recognize an educational institution, a driving school, an enterprise or any body to provide that program.

In addition, the Société may delegate its power of recognition to any body. However, only the Société may suspend or revoke the recognition granted for non-compliance with the conditions determined.

The Société also establishes, on the conditions it determines and for each class of licence, including for any related endorsement, the training that the persons called upon to provide the training program for driving must undergo. The Société may provide that training or it may authorize, on the conditions it determines, an educational institution, a driving school, an enterprise or any body to provide it."

48. Sections 90 and 91 of the Code are amended by adding the following sentence at the end of the third paragraph: "The Société may also require that the person undergo the training referred to in section 66.1 to obtain such a licence."

49. Section 99 of the Code is amended by replacing "particulars" in the second paragraph by "endorsements".

50. The Code is amended by inserting the following section after section 99:

"**99.1.** Holders of a learner's licence and holders of a probationary licence of the appropriate class for driving a motorcycle are prohibited from driving a motorcycle appearing on the list of the makes and models or piston displacements contained in a regulation under section 151.1 of the Automobile Insurance Act (chapter A-25).

That prohibition also applies to holders of a driver's licence to which is added the appropriate class for driving a motorcycle during the 24 months following the addition of that class to the holders' driver's licence.

When computing the period set out in the second paragraph, any time during which the licence was suspended or the person was prohibited from driving a road vehicle under the first paragraph of section 93.1 must be disregarded."

51. Section 140.1 of the Code is amended by inserting ", section 99.1" after "the fifth paragraph of section 99".

52. The Code is amended by inserting the following section after section 202.2.0.1, enacted by section 26 of chapter 13 of the statutes of 2022:

"**202.2.0.2.** No holder of a driver's licence to which is added the appropriate class for driving a motorcycle, other than the class 6E, may drive or have the care or control of such a vehicle if any alcohol is present in his body, during the 24 months following the addition of that class to the holder's driver's licence.

When computing the period set out in the first paragraph, any time during which the licence was suspended or the person was prohibited from driving a road vehicle under the first paragraph of section 93.1 must be disregarded."

The first paragraph does not apply to a person referred to in section 202.2."

53. Section 202.2.1.2 of the Code is amended by replacing "4,500 kg or more" in subparagraph 3 of the second paragraph by "less than 4,500 kg".

54. Section 202.3 of the Code, amended by section 43 of chapter 19 of the statutes of 2018 and by section 28 of chapter 13 of the statutes of 2022, is again amended by inserting "202.2.0.2," after "202.2.0.1," in the first paragraph.

55. Section 202.4 of the Code, amended by section 29 of chapter 13 of the statutes of 2022, is again amended

(1) by inserting "or 202.2.0.2" after "under section 202.2.0.1" in subparagraph 2.1 of the first paragraph;

(2) by inserting "202.2.0.2," after "sections 202.2.0.1," in the last paragraph.

56. Section 202.8 of the Code, amended by section 52 of chapter 19 of the statutes of 2018 and by section 31 of chapter 13 of the statutes of 2022, is again amended by replacing "section 202.2 or section 202.2.0.1" in the first paragraph by "any of sections 202.2, 202.2.0.1 and 202.2.0.2".

57. Section 209.2 of the Code, amended by section 16 of chapter 29 of the statutes of 2001 and by section 32 of chapter 7 of the statutes of 2018, is again amended by inserting "327.1," before "328.1".

58. Section 226.2 of the Code, replaced by section 39 of chapter 13 of the statutes of 2022, is amended by adding the following sentence at the end of the second paragraph: "In addition, the driver of a tow truck may, on the same conditions, use a traffic lane reserved for certain classes of road vehicles or a traffic lane reserved for the exclusive use of road vehicles carrying the number of passengers indicated by proper signs or signals."

59. Section 294.0.1 of the Code is amended by adding the following paragraph at the end:

"In addition, the person responsible for the maintenance of a public highway is required to safely lay out the school zone, in particular by taking into account the application guide developed by the Minister of Transport on the subject."

60. The Code is amended by inserting the following section after section 294.0.1:

"**294.0.2.** When establishing a school route, the person responsible for the maintenance of a public highway must take into account the application guide developed by the Minister of Transport on the subject."

61. The Code is amended by inserting the following section after section 300:

"**300.1** The person responsible for the maintenance of a public highway must record and electronically log any speed limit posted on an illuminated variable or non-variable message sign, in accordance with the terms and conditions prescribed by regulation.

The recording and electronic logging must also include any information required by regulation."

62. Section 314.2 of the Code is amended by replacing "$200 to $400" by "$300 to $600".

63. The Code is amended by inserting the following section after section 326.1:

"**326.2.** The driver of any of the following road vehicles may use a traffic lane reserved for certain classes of road vehicles or a traffic lane reserved for the exclusive use of road vehicles carrying the number of passengers indicated by proper signs or signals:

(1) a police force vehicle;

(2) an ambulance service vehicle;

(3) a fire safety vehicle;

(4) an emergency vehicle used by the Société; and

(5) a road vehicle used for snow removal or road maintenance if the driver is removing snow or maintaining those lanes."

64. The Code is amended by inserting the following sections after section 327:

"**327.1.** A peace officer shall immediately suspend, on behalf of the Société and for a period of seven days, the licence issued under section 61 of a driver of a road vehicle who contravenes section 327.

The suspension period is increased to 30 days in the case of a driver who was convicted of at least one offence under section 327 during the 10 years before the suspension.

If the driver does not hold a licence or holds a licence issued by another administrative authority, the first and second paragraphs apply, with the necessary modifications, to the driver's right to obtain a licence under section 61.

"**327.2.** The driver of a road vehicle whose licence or right to obtain a licence is suspended for a 30-day period in accordance with section 327.1 may, after proving that he was not driving the vehicle in contravention of section 327, obtain the lifting of the suspension by a judge of the Court of Québec acting in the civil practice chamber.

"**327.3.** Sections 202.6.1, 202.6.7 and 202.7, the second paragraph of section 209.11 and section 209.12 apply to the licence suspension under section 327.1, with the necessary modifications."

65. Section 328 of the Code is amended by inserting the following subparagraph after subparagraph 4 of the first paragraph:

"(4.1) in excess of 30 km/h in a school zone;".

66. Section 329 of the Code is amended

(1) by replacing "4" by "4.1" in the first paragraph;

(2) by striking out the fourth paragraph.

67. Section 329.1 of the Code is replaced by the following section:

"**329.1.** In a school zone, the person responsible for the maintenance of a public highway must erect signs or signals to indicate the speed limit provided for in subparagraph 4.1 of the first paragraph of section 328.

The person responsible for the maintenance of a public highway may, in compliance with the conditions prescribed by government regulation, establish a different speed limit than the one provided for in subparagraph 4.1 of the first paragraph of section 328."

68. The Code is amended by inserting the following section after section 359:

"**359.0.1.** The driver of a road vehicle or a cyclist must stop his vehicle not less than 5 metres from an automated flagger assistance device when facing its red light, and may proceed only when the flashing amber light is activated and the arm is raised. He must travel at a safe, reasonable speed.

An automated flagger assistance device is a barrier that is controlled remotely by a flag person in charge of directing traffic around or about work sites or during exceptional events or sports events or competitions. It is equipped with a red light and an amber light."

69. Section 388.1 of the Code is amended

(1) by striking out the last sentence of the first paragraph;

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

"A government regulation may prescribe rules relating to the stopping of such vehicles in a space reserved for recharging electric vehicles. The Government may determine the provisions of the regulation the violation of which constitutes an offence and fix the minimum and maximum amounts of the fine to which the offender is liable."

70. Section 410 of the Code is amended by striking out "clearly".

71. Section 506 of the Code is amended by replacing ", 381 to 385" by "and 381 to 385, paragraph 9 of section 386".

72. Section 509 of the Code is amended

(1) by striking out "335,";

(2) by replacing ", 372 to 376, 386, 388.1, 391 and 407, any of sections" by "and 372 to 376, any of paragraphs 1 to 8 of section 386 or any of sections 388.1, 391, 407,";

(3) by replacing "349, 350, 358.1, 359, 359.1, 360, 361, 362 to 364, 367 to 371, 402, 404, 405, 408 to" by "361,";

(4) by replacing ", 479 and 496.6" by "and 479".

73. The Code is amended by inserting the following section after section 509.3:

"**509.4.** Every driver of a road vehicle who contravenes section 359.0.1 is guilty of an offence and is liable to a fine of $300 to $600."

74. Section 510 of the Code is amended by replacing "346, 406 and 460" in the first paragraph by "335, 346, 349, 350, 358.1, 359, 359.1, 360, 362 to 364, 367 to 371, 402, 404 to 406, 408 to 410, 460 and 496.6".

75. Section 516 of the Code is amended by replacing "$15" in the introductory clause of the first paragraph by "$30".

76. Section 519.70 of the Code is amended

(1) by striking out the last sentence of the first paragraph;

(2) by inserting the following paragraphs after the first paragraph:

"The highway controller may require the vehicle to be driven to a location that he considers safe to inspect the vehicle, provided it is not over 15 kilometres from the place of interception.

The highway controller may also require any information relating to the enforcement of this Code, demand that any related document be produced, and examine any such documents.";

(3) by replacing "the first paragraph" in the second paragraph by "this section".

77. Section 519.77 of the Code is amended by replacing "second paragraph of section 519.70" by "fourth paragraph of section 519.70".

78. Section 619 of the Code, amended by section 29 of chapter 18 of the statutes of 2018, is again amended by inserting the following paragraphs after paragraph 6.3:

"(6.3.1) prescribe the cases in which and the conditions on which a person applying for a driver's licence must successfully complete training to drive a vehicle corresponding to the class of licence applied for or to have an endorsement indicated on his licence;

"(6.3.2) determine the training that a person applying for a driver's licence must undergo to obtain the class of licence applied for or to have an endorsement indicated on his driver's licence, the theoretical and practical parts the training must contain, the deadline for the successful completion of each part of the training and the cases in which a person may be exempted from the training;

"(6.3.3) set the maximum time limit for a person applying for a driver's licence to comply with the requirements to obtain the class of licence applied for or the requirements to have an endorsement indicated on his licence;

"(6.3.4) prescribe the cases and conditions relating to access to driving that are applicable to a person applying for a driver's licence where, within the maximum time limit prescribed, the requirements to obtain the class of licence applied for or the requirements to have an endorsement indicated on his licence have not been met;".

79. Section 621 of the Code is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 25.2:

"(25.3) prescribe the conditions for establishing a different speed limit than the one provided for in subparagraph 4.1 of the first paragraph of section 328;";

(2) by inserting the following subparagraphs after subparagraph 32.9:

"(33) prescribe rules relating to the stopping of electric road vehicles and plug-in hybrid road vehicles in a space reserved for recharging electric vehicles;

"(34) determine, from among the provisions of any regulation made under subparagraph 33, the provisions the violation of which constitutes an offence and fix the minimum and maximum amounts of the fine to which the offender is liable;".

80. Section 633.1 of the Code is amended by replacing "$200 or more than $3,000" in the fourth paragraph by "$100 or more than $3,000. In the case of pilot projects relating to autonomous vehicles, the amount may not be less than $200 or more than $3,000".

81. Section 660 of the Code is repealed.

ACT RESPECTING MONETARY ADMINISTRATIVE PENALTIES IN MUNICIPAL MATTERS

82. The Act respecting monetary administrative penalties in municipal matters (chapter S-2.01) is amended by inserting the following section after section 2:

"**2.1.** The Government may, by regulation and after consulting with the Société de l'assurance automobile du Québec, determine in what cases and on what conditions the Société imposes on the debtor, as recovery measures, penalties provided for in the Highway Safety Code (chapter C-24.2), as well as the consequences arising from non-compliance with the penalties imposed and, for those purposes, determine the applicable rules of the Code.

The regulation may also prescribe, among the regulatory provisions determining penalties provided for in that Code, those whose contravention constitutes an offence and renders the offender liable to a fine, the amount of which is set by the regulation."

ACT RESPECTING OFF-HIGHWAY VEHICLES

83. The Act respecting off-highway vehicles (chapter V-1.3) is amended by inserting the following section after section 69:

"**69.1.** The person responsible for the maintenance of a public highway may authorize an off-highway vehicle club to lay out and operate a trail, for the period and on the conditions determined by that person, on a part of that public highway off the roadway, the shoulder and the ditch area.

Such authorization gives the club the right to collect access fees for the trail in accordance with this Act."

84. Section 73 of the Act is amended

(1) by replacing "on the conditions fixed by government regulation" in subparagraph 3 of the second paragraph by "where authorized by signs or signals that conform to regulatory standards";

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

"A government regulation may prescribe any other condition useful for the operation of an off-highway vehicle authorized under subparagraph 3 of the second paragraph."

ACT TO IMPROVE THE PERFORMANCE OF THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC, TO BETTER REGULATE THE DIGITAL ECONOMY AS REGARDS E-COMMERCE, REMUNERATED PASSENGER TRANSPORTATION AND TOURIST ACCOMMODATION AND TO AMEND VARIOUS LEGISLATIVE PROVISIONS

85. Section 50 of the Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions (2018, chapter 18) is amended

(1) in the first paragraph,

(*a*) by replacing "corresponds to the greater of" in the introductory clause by "is $13.20.";

(*b*) by striking out subparagraphs 1 and 2;

(2) by striking out "daily" in the second paragraph;

(3) by adding the following paragraph at the end:

"The fees fixed in the first paragraph are indexed in accordance with Chapter VIII.1 of the Financial Administration Act (chapter A-6.001), despite section 83.11 of that Act."

REGULATION RESPECTING LICENCES

86. The Regulation respecting licences (chapter C-24.2, r. 34) is amended by replacing all occurrences of "driving school recognized under section 62 of the Highway Safety Code (chapter C-24.2)" and "driving school recognized under section 62 of the Highway Safety Code" by "recognized driving school".

MINISTERIAL ORDER CONCERNING THE FINE TO WHICH A PERSON WHO CONTRAVENES PARAGRAPH 9 OF SECTION 386 OF THE HIGHWAY SAFETY CODE IS LIABLE

87. The Ministerial Order concerning the fine to which a person who contravenes paragraph 9 of section 386 of the Highway Safety Code is liable (chapter C-24.2, r. 1.1) is repealed.

CHAPTER III

TRANSITIONAL PROVISIONS

88. Until the coming into force of section 16, the provisions introduced by section 22 apply only to the offences referred to in that section.

89. Section 592.0.0.1, the second and third paragraphs of section 592.1 and sections 592.1.1 and 592.2 of the Highway Safety Code (chapter C-24.2) continue to apply if a statement of offence was sent before the date of coming into force of section 19 of this Act.

The same applies to articles 146, 163, 218.4, 218.5 and 228.1 of the Code of Penal Procedure (chapter C-25.1), as amended, respectively, by sections 26 and 29 to 32 of this Act.

90. Unless the context indicates otherwise or this Act provides otherwise, in any regulation or other document, "photo radar device" and "red light camera system" are replaced by "detection system", with the necessary modifications.

91. Until the coming into force of section 66.1 of the Highway Safety Code, enacted by section 46 of this Act,

(1) section 66.1 of the Code is to be read as if "driving school recognized in accordance with section 62" were replaced by "recognized driving school";

(2) a driving course required under section 66.1 of the Code to obtain a first driver's licence of the appropriate class for driving a motorcycle, a moped or another passenger vehicle is deemed to be a training program of the Société de l'assurance automobile du Québec given by a driving school recognized by the Société.

92. A driving school recognized by the Société de l'assurance automobile du Québec before 2 May 2024 is deemed to be recognized on the same conditions under section 66.2 of the Highway Safety Code, enacted by section 47 of this Act, except where the recognition was revoked by the Société.

93. Section 99.1 of the Highway Safety Code, enacted by section 50 of this Act, does not apply to a person who obtained their learner's licence of the appropriate class for driving a motorcycle before the date of coming into force of that section.

94. Until the coming into force of paragraph 1 of section 50 of chapter 19 of the statutes of 2018, section 202.6.6 of the Highway Safety Code, amended by section 116 of chapter 13 of the statutes of 2022, is to be read as if "section 202.2 or 202.2.0.1" in subparagraph 1 of the first paragraph were replaced by "any of sections 202.2, 202.2.0.1 and 202.2.0.2".

95. For the purposes of section 294.0.1 of the Highway Safety Code, as amended by section 59 of this Act, the person responsible for the maintenance of a public highway must, not later than on the date determined by the Minister in an order published in the *Gazette officielle du Québec*, safely lay out any school zone existing on the date preceding the date of coming into force of section 59 of this Act.

CHAPTER IV

FINAL PROVISIONS

96. Photo radar devices and red light camera systems approved by the Ministerial Order concerning the Approval of photo radar devices and red light camera systems (chapter C-24.2, r. 5.1) are deemed to have been approved under section 519.79 of the Highway Safety Code (chapter C-24.2), enacted by section 12 of this Act.

97. Any public highway determined by the Ministerial Order concerning Public highways where photo radar devices and red light camera systems may be used (chapter C-24.2, r. 6.01) is deemed to have been designated by the Minister of Transport under section 519.80 of the Highway Safety Code, enacted by section 12 of this Act, and to have been entered in the register kept by the Minister in accordance with that section 519.80.

98. The Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems (chapter C-24.2, r. 9), enacted under section 634.4 of the Highway Safety Code, is deemed to have been enacted under section 519.82 of the Code, enacted by section 12 of this Act.

99. This Act comes into force on 2 May 2024, except

(1) sections 2 to 11, section 12 insofar as it enacts sections 519.79, 519.80 and 519.82 of the Highway Safety Code, sections 18 to 20, paragraph 1 of section 21, section 22 except as concerns the words "or any other person" in section 602.4 of the Code, sections 23, 25 to 27 and 29 to 32, paragraphs 1 and 3 of section 38, section 41, section 42 insofar as it concerns Chapters I and III of the regulation it enacts, and sections 96 to 98, which come into force on 1 July 2024;

(2) section 42 insofar as it concerns Chapter II of the regulation it enacts, which comes into force on the date of coming into force of section 16 of this Act;

(3) sections 62, 68, 70 to 77 and 87, which come into force on 1 June 2024;

(4) section 69 and paragraph 2 of section 79, which come into force on the date of coming into force of the first regulation made under the second paragraph of section 388.1 of the Highway Safety Code, amended by section 69 of this Act;

(5) section 28, which comes into force on the date of coming into force of section 5 of chapter 7 of the statutes of 2024;

(6) section 65, paragraph 1 of section 66, section 67 and paragraph 1 of section 79, which come into force on the date of coming into force of the first regulation made under the second paragraph of section 329.1 of the Highway Safety Code, enacted by section 67 of this Act; and

(7) the provisions of section 1, section 12 insofar as it enacts section 519.81 of the Highway Safety Code, sections 15 and 16, paragraph 2 of section 21, section 22 insofar as it concerns the words "or any other person" in section 602.4 of the Code, sections 33 to 37, paragraph 2 of section 38 and sections 40, 46, 48, 50 to 52, 54 to 57, 59, 60, 64, 93 and 94, which come into force on the date or dates to be determined by the Government.

106891

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 49
(2024, chapter 11)

An Act to give effect to fiscal measures announced in the Budget Speech delivered on 21 March 2023 and to certain other measures

Introduced 8 February 2024
Passed in principle 20 February 2024
Passed 2 May 2024
Assented to 7 May 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act amends various Acts mainly to give effect to measures announced in the Budget Speech delivered on 21 March 2023 and in various Information Bulletins published by the Ministère des Finances in 2022, 2023 and 2024. It also gives effect to a measure announced in the Budget Speech delivered on 12 March 2024.

The Act extends by one year the time limit for filing a fiscal return in order to benefit from the refundable tax credit granting the new one-time amount to mitigate the increase in the cost of living.

For the purpose of introducing or modifying measures specific to Québec, the Act amends the Taxation Act, the Act respecting the sectoral parameters of certain fiscal measures and the Act respecting the Régie de l'assurance maladie du Québec to, in particular,

(1) enhance the housing component of the refundable solidarity tax credit;

(2) broaden eligibility for the supplement for handicapped children requiring exceptional care;

(3) enhance the non-refundable tax credits for volunteer firefighters and for search and rescue volunteers;

(4) limit the access of certain individuals to the non-refundable tax credit in respect of a labour-sponsored fund;

(5) implement a new tax holiday relating to the carrying out of a large investment project;

(6) extend the refundable tax credit for the digital transformation of print media; and

(7) enhance the refundable tax credit for book publishing and the refundable tax credit for the production of multimedia events or environments presented outside Québec.

The Tax Administration Act, the Act respecting the Québec sales tax and the Fuel Tax Act are amended to implement the new program for administering the consumption tax exemption for First Nations.

The Act constituting Capital régional et coopératif Desjardins, the Act to establish Fondaction, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi and the Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) are also amended, in particular, to reorganize the classes of investment of those tax-advantaged funds and to update the funds' functions.

The Act respecting the Régie de l'assurance maladie du Québec is amended to increase the exemption amounts used in computing the premium payable by a person subject to the public prescription drug insurance plan.

The Act respecting the Québec Pension Plan is amended to permit certain workers aged 65 or over to elect to cease contributing to the plan and to put an end to the obligation to contribute to it from the year following a worker's 72nd birthday.

The Act respecting the Québec sales tax is amended to increase the specific duty on new road vehicle tires.

In addition, the Taxation Act and the Act respecting the Québec sales tax are amended to make amendments similar to those made to the Income Tax Act and the Excise Tax Act by federal bills assented to in 2022 and 2023. More specifically, the amendments deal with

(1) the deduction for tradespeople's tool expenses;

(2) the withdrawal limits for educational assistance payments and the possibility for divorced or separated parents to jointly enter into a registered education savings plan contract;

(3) the disbursement quota for registered charities; and

(4) the mandatory reporting of uncertain tax treatments that are indicated in a corporation's financial statements.

Lastly, the Act makes various technical amendments as well as consequential and terminology-related amendments.

LEGISLATION AMENDED BY THIS ACT:

– Tax Administration Act (chapter A-6.002);

– Act constituting Capital régional et coopératif Desjardins (chapter C-6.1);

– Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1);

– Act to establish Fondaction, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi (chapter F-3.1.2);

– Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (chapter F-3.2.1);

– Taxation Act (chapter I-3);

– Act respecting the sectoral parameters of certain fiscal measures (chapter P-5.1);

– Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);

– Act respecting the Québec Pension Plan (chapter R-9);

– Act respecting the Québec sales tax (chapter T-0.1);

– Fuel Tax Act (chapter T-1);

– Securities Act (chapter V-1.1);

– Act to give effect to fiscal measures announced in the Budget Speech delivered on 25 March 2021 and to certain other measures (2021, chapter 36);

– Act to give effect to fiscal measures announced in the Budget Speech delivered on 22 March 2022 and to certain other measures (2023, chapter 2);

– Act respecting the implementation of certain provisions of the Budget Speech of 21 March 2023 and amending other provisions (2023, chapter 30).

Bill 49

AN ACT TO GIVE EFFECT TO FISCAL MEASURES ANNOUNCED IN THE BUDGET SPEECH DELIVERED ON 21 MARCH 2023 AND TO CERTAIN OTHER MEASURES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TAX ADMINISTRATION ACT

1. (1) Section 17.3 of the Tax Administration Act (chapter A-6.002) is amended by replacing "and 350.60.8 or paragraph 1 of section 350.62" in subparagraph *n* of the first paragraph by ", 350.60.8 and 350.62".

(2) Subsection 1 applies from the date of coming into force of the first regulation made under subparagraph 33.8 of the first paragraph of section 677 of the Act respecting the Québec sales tax (chapter T-0.1), as concerns the sending and issuance of a credit note.

2. (1) Section 17.5 of the Act is amended by replacing "and 350.60.8 or paragraph 1 of section 350.62" in subparagraph *p* of the first paragraph by ", 350.60.8 and 350.62".

(2) Subsection 1 applies from the date of coming into force of the first regulation made under subparagraph 33.8 of the first paragraph of section 677 of the Act respecting the Québec sales tax (chapter T-0.1), as concerns the sending and issuance of a credit note.

3. (1) Section 17.6 of the Act is amended by replacing the first paragraph by the following paragraph:

"The Minister may suspend, revoke or refuse to issue or renew a permit issued or applied for under the Tobacco Tax Act (chapter I-2) or the Fuel Tax Act (chapter T-1), or a certificate issued or applied for under section 492.2 of the Act respecting the Québec sales tax (chapter T-0.1) or section 26.1 of the Fuel Tax Act, where the person who applied for the permit or certificate or the holder of the permit or certificate, as the case may be, fails to comply with the requirements of this Act or, as the case may be, of the Tobacco Tax Act, the Act respecting the Québec sales tax or the Fuel Tax Act."

(2) Subsection 1 has effect from 1 July 2023.

4. (1) Section 17.8 of the Act is amended by replacing the first paragraph by the following paragraph:

"The suspension of a registration certificate or permit issued under a fiscal law, of a registration under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax (chapter T-0.1) or of a certificate issued under section 492.2 of the Act respecting the Québec sales tax or section 26.1 of the Fuel Tax Act (chapter T-1) is effective from the date of notification of the decision to the holder. The decision must be notified by personal service or by registered mail."

(2) Subsection 1 has effect from 1 July 2023.

5. (1) Section 17.9 of the Act is amended by replacing the first paragraph by the following paragraph:

"The revocation of a registration certificate or permit issued under a fiscal law, of a registration under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax (chapter T-0.1) or of a certificate issued under section 492.2 of the Act respecting the Québec sales tax or section 26.1 of the Fuel Tax Act (chapter T-1) is effective from the date of notification of the decision to the holder."

(2) Subsection 1 has effect from 1 July 2023.

6. (1) Section 60.4 of the Act is amended by replacing "paragraph 2 of section 350.62" by "subparagraph 2 of the first or second paragraph of section 350.62".

(2) Subsection 1 applies from the date of coming into force of the first regulation made under subparagraph 33.8 of the first paragraph of section 677 of the Act respecting the Québec sales tax (chapter T-0.1), as concerns the sending and issuance of a credit note.

7. (1) Section 61.0.0.1 of the Act is amended

(1) by inserting "of this Act" after "35.5";

(2) by replacing "paragraph 1 of section 350.62" by "subparagraph 1 of the first or second paragraph of section 350.62".

(2) Subsection 1 applies from the date of coming into force of the first regulation made under subparagraph 33.8 of the first paragraph of section 677 of the Act respecting the Québec sales tax (chapter T-0.1), as concerns the sending and issuance of a credit note.

ACT CONSTITUTING CAPITAL RÉGIONAL ET COOPÉRATIF DESJARDINS

8. (1) Section 4 of the Act constituting Capital régional et coopératif Desjardins (chapter C-6.1) is amended by replacing both occurrences of "eligible entities" in subparagraph 3 of the first paragraph by "eligible Québec entities".

(2) Subsection 1 has effect from 1 January 2024.

9. (1) Section 8 of the Act is amended by replacing paragraphs 1 to 5 by the following paragraphs:

"(1) to invest in eligible Québec entities and provide them with support services to improve their productivity and create wealth;

"(2) to promote the economic development of the regions through investments in eligible Québec entities operating there;

"(3) to raise venture capital and development capital for the benefit of the regions and the cooperative sector; and

"(4) to support the cooperative movement throughout Québec."

(2) Subsection 1 has effect from 1 January 2024.

10. (1) Section 11 of the Act is amended by replacing "natural person" in the first paragraph by "person of full age".

(2) Subsection 1 applies from 1 June 2024.

11. (1) Section 18 of the Act is amended

(1) by replacing the portion before subparagraph 1 of the first paragraph by the following:

"**18.** For the purposes of this Act, "eligible Québec entity" means";

(2) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

"(2) a partnership or a legal person, other than an eligible cooperative or a partnership or legal person whose activities consist mainly in investing, that is actively operating an enterprise in Québec and that

(*a*) is Québec-owned, or

(*b*) has a main decision-making centre that is operated in Québec.";

(3) by striking out the third paragraph.

(2) Subsection 1 has effect from 1 January 2024.

12. (1) Section 19 of the Act is amended

(1) by replacing the second paragraph by the following paragraph:

"However, for a fiscal year, the Société shall comply with the following requirements:

(1) its eligible investments must represent, on the average, at least 65% of its average net assets for the preceding fiscal year; and

(2) its eligible investments made in eligible cooperatives or in entities situated in the territory of Québec, but elsewhere than in the territory of a municipality listed in Schedule I to the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or in Schedule A to the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), must represent, on the average, at least 50% of the percentage referred to in subparagraph 1.";

(2) by replacing the portion of the third paragraph before subparagraph 2 by the following:

"For the purposes of this section and section 19.0.1, the following rules apply:

(1) the Société's average net assets for a fiscal year must be determined by adding its net assets at the beginning of that year, its net assets at the end of that year and its net assets at the beginning of the preceding fiscal year, then dividing the sum so obtained by 3;";

(3) by replacing the formula in subparagraph 3 of the third paragraph by the following formula:

"(A + B + C + D + E + F)/3";

(4) by replacing subparagraphs 1 and 2 of the fourth paragraph by the following subparagraphs:

"(1) A is the Société's eligible investments at the beginning of the fiscal year, excluding those described in subparagraph *b* of subparagraphs 1 to 3 of the first paragraph of section 19.0.0.2 that were disinvested before that time;

"(2) B is the Société's eligible investments at the end of the fiscal year, excluding those described in subparagraph *b* of subparagraphs 1 to 3 of the first paragraph of section 19.0.0.2 that were disinvested before that time;";

(5) by adding the following subparagraphs at the end of the fourth paragraph:

"(5) E is the Société's eligible investments at the beginning of the preceding fiscal year, excluding those described in subparagraph *b* of subparagraphs 1 to 3 of the first paragraph of section 19.0.0.2 that were disinvested before that time; and

"(6) F is the amount determined under subparagraph 3 for the second preceding fiscal year.";

(6) by striking out the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth paragraphs.

(2) Subsection 1 applies to a fiscal year that begins after 31 December 2023. However, where section 19 of the Act applies to a fiscal year that begins on 1 January 2024, it is to be read as if subparagraph 5 of the fourth paragraph were replaced by the following subparagraph:

"(5) E is the value of A in the formula for the preceding fiscal year; and".

(3) In addition, where section 19 of the Act applies to the fiscal year that begins on 1 January 2023, it is to be read as if "2023" in subparagraph 13 of the fifth paragraph were replaced by "2024".

13. (1) Section 19.0.0.1 of the Act is repealed.

(2) Subsection 1 has effect from 1 January 2024.

14. (1) The Act is amended by inserting the following sections after section 19.0.0.1:

"**19.0.0.2.** For the purposes of section 19, the following investments are eligible investments:

(1) investments that belong to the class of Québec entities, which includes

(*a*) investments entailing, subject to section 19.0.0.4, no security or hypothec, made after 31 December 2023 in accordance with a comprehensive investment policy adopted by the board of directors of the Société and approved by the Minister of Finance, each of which is

i. an investment made by the Société in an eligible Québec entity,

ii. an investment made by the Société otherwise than as first purchaser for the acquisition of securities issued by an eligible Québec entity, or

iii. a new investment or a reinvestment made by the Société in an entity it held in its portfolio at the end of 31 December 2023, where the initial investment is included in this class, and

(*b*) investments of the Société at the end of 31 December 2023, each of which is

i. an investment described in any of subparagraphs 1 to 4 and 6 of the fifth paragraph of section 19, as it read in its application to the Société's fiscal year ended on that date (in this section referred to as the "former version"), including an investment deemed to have been made by the Société and described in any of those subparagraphs because of the seventh paragraph of that section, in the same version,

ii. an investment described in subparagraph 5 of the fifth paragraph of section 19, in its former version, up to the Société's share in the investment,

iii. an investment described in subparagraph 1 of the sixth paragraph of section 19, in its former version, including an investment deemed to have been made by the Société and described in that subparagraph because of the seventh paragraph of that section, in the same version, or

iv. an investment described in subparagraph 2 or 3 of the sixth paragraph of section 19, in its former version, including an investment deemed to have been made and described in either of those subparagraphs because of the seventh paragraph of that section, in the same version, up to the Société's share in the investment;

(2) investments that belong to the class of Québec investment funds, which includes

(*a*) investments entailing no security or hypothec and made after 31 December 2023 in accordance with the comprehensive investment policy, each of which is

i. an investment made by the Société in an investment fund managed in Québec, with the expectation that the fund directly or indirectly invest an amount in eligible Québec entities that is at least equal to the sums received from the Société, or

ii. a new investment or a reinvestment made by the Société in a limited partnership or a fund it held in its portfolio at the end of 31 December 2023, where the initial investment is included in this class, and

(*b*) investments of the Société at the end of 31 December 2023, each of which is

i. an investment described in any of subparagraphs 7 to 10 and 12 of the fifth paragraph of section 19, in its former version, including an investment deemed to have been made by the Société and described in any of those subparagraphs because of the eighth paragraph of that section, in the same version,

ii. an investment described in subparagraph 11 of the fifth paragraph of section 19, in its former version, including an investment deemed to have been made by the Société and described in that subparagraph because of the seventh paragraph of that section, in the same version, or

iii. an investment referred to in section 19.0.0.1, as it read before being repealed, to the extent that it relates to Desjardins Capital Transatlantique, S.E.C.; and

(3) investments that belong to the class of other interventions for the benefit of Québec, which includes

(*a*) investments entailing no security or hypothec and made after 31 December 2023 in accordance with the comprehensive investment policy, each of which is

i. an investment made by the Société in the real estate sector in relation to a new or substantially renovated income-producing immovable situated in Québec, provided that the investment generates societal benefits for Québec in accordance with the rules set out in that respect in the comprehensive investment policy, or

ii. an investment that is made by the Société in an investment fund managed outside Québec and that is an investment described in the third paragraph, up to the amount invested by that fund in eligible Québec entities, where this section applies to a fiscal year of the Société that is subsequent to the second fiscal year that follows the fiscal year in which that investment was made, and

(*b*) investments of the Société at the end of 31 December 2023 each of which is

i. an investment described in subparagraph 14 of the fifth paragraph of section 19, in its former version, or

ii. an investment referred to in section 19.0.0.1, as it read before being repealed, to the extent that it relates to Siparex Transatlantique.

For the purposes of subparagraph ii of subparagraph *a* of subparagraph 1 of the first paragraph of this section and the third paragraph of section 19.0.0.3, a dealer acting as an intermediary or firm underwriter is not considered to be a first purchaser of securities.

The investment to which subparagraph ii of subparagraph *a* of subparagraph 3 of the first paragraph refers is either an investment that the Société has agreed to make, at any time in a fiscal year that begins after 31 December 2023, with an investment fund managed outside Québec and for which the Société has committed but not yet disbursed sums at the end of that fiscal year, on the condition that such an investment be taken into account to determine whether

the Société complies with the requirements of the second paragraph of section 19 for that fiscal year, or, where that condition is not met, each of the sums subsequently disbursed by the Société because of that investment.

"**19.0.0.3.** An investment that was agreed to by the Société at any time after 31 December 2023, for which it has committed but not yet disbursed sums at the end of a fiscal year and that would have been an eligible investment within the meaning of section 19.0.0.2 if it had been made by the Société at that time is deemed, for the purposes of that section, to have been made by the Société at that time.

In addition, an investment made by the Société, at any time after 31 December 2023, in a partnership that is not an investment fund or in a legal person for the purpose of investing in a particular entity is deemed, for the purposes of subparagraph i or iii of subparagraph *a* of subparagraph 1 of the first paragraph of section 19.0.0.2, to be an investment made at that time by the Société in the particular entity.

Similarly, an investment made, at any time after 31 December 2023, by a partnership that is not an investment fund or by a legal person otherwise than as first purchaser for the acquisition of securities issued by an entity is deemed, for the purposes of subparagraph ii of subparagraph *a* of subparagraph 1 of the first paragraph of section 19.0.0.2, to have been made, at that time, by the Société in proportion to its share in the partnership or legal person, as the case may be, if one of the main reasons for which the Société holds an interest in the partnership or legal person is to enable the financing of such an acquisition.

"**19.0.0.4.** For the purpose of including an investment made after 31 December 2023 in a class provided for in section 19.0.0.2, the following rules apply:

(1) the mere fact that such an investment entails a security does not prevent it from being included in the class provided for in subparagraph 1 of the first paragraph of that section to the extent that it is part of a financing package, in which Fonds de transfert d'entreprise du Québec, s.e.c. participates, for the succession of an entity; and

(2) where such an investment is made in the real estate sector in relation to a new or substantially renovated income-producing immovable situated in Québec, it may only be included in the class provided for in subparagraph 3 of the first paragraph of that section.

"**19.0.0.5.** In respect of investments included in the class provided for in subparagraph 2 of the first paragraph of section 19.0.0.2, the following rules apply:

(1) such investments are deemed to be increased by 50% if they are investments made in Fonds de transfert d'entreprise du Québec, s.e.c.; and

(2) where such investments are taken into account for the purposes of the second paragraph of section 19 for a fiscal year of the Société that ends before 1 January 2027, they are, up to 5% of the Société's net assets at the end of the preceding fiscal year, deemed to be increased by 50% if they are investments made by the Société after 21 April 2005 and before 1 June 2026 in a local venture capital fund established and managed in Québec or in a local fund recognized by the Minister of Finance, with the expectation that that fund invest an amount at least equal to 150% of the aggregate of the sums received from the Société, from Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ) and from Fondaction, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi, in Québec partnerships or legal persons pursuing economic objectives and whose assets are less than $100,000,000 or whose net equity is less than $50,000,000.

For the purposes of the first paragraph, the Société's net assets must be determined by taking into account subparagraph 2 of the third paragraph of section 19. In addition, the assets or net equity of a partnership or legal person are the assets or net equity shown in its financial statements for its fiscal year ended before the time at which the investment is made, minus the write-up surplus of its property and the incorporeal assets. In the case of a partnership or legal person which has not completed its first fiscal year, a chartered accountant must confirm in writing to the Société that the assets or net equity, as the case may be, of the partnership or legal person are, immediately before the investment, under the limits provided for in subparagraph 2 of the first paragraph.

"**19.0.0.6.** In respect of an investment of the Société at the end of 31 December 2023 that is included, in whole or up to the Société's share in the investment, in a class provided for in any of subparagraphs 1 to 3 of the first paragraph of section 19.0.0.2, the following rules apply:

(1) where, because of the application of any of subparagraphs 0.1, 2.1 and 2.2 of the tenth paragraph of section 19, as it read in its application to the Société's fiscal year ended on 31 December 2023, or of the eleventh paragraph of that section, in the same version, such an investment, or the Société's share in the investment, has been increased for that fiscal year, the investment or the share continues to be increased to the same extent for the subsequent fiscal years of the Société;

(2) where, because of the application of subparagraph 1 of the twelfth paragraph of section 19, as it read in its application to the Société's fiscal year ended on 31 December 2023, such an investment has not been taken into account to determine whether the requirement provided for in subparagraph 2 of the second paragraph of that section has been met for that fiscal year, it cannot be taken into account for the purposes of that subparagraph 2 for the subsequent fiscal years of the Société; and

(3) where, because of the application of any of subparagraphs 1.1 to 8 of the twelfth paragraph of section 19, as it read in its application to the Société's fiscal year ended on 31 December 2023, such an investment has been taken

into account, in whole or in the proportion referred to in that subparagraph, to determine whether the requirement provided for in subparagraph 2 of the second paragraph of that section has been met for that fiscal year, it can be taken into account, in whole or in the same proportion, as the case may be, for the purposes of that subparagraph 2 for the subsequent fiscal years of the Société.

"**19.0.0.7.** For the purpose of applying section 19.0.0.2 to a fiscal year of the Société, the following restrictions apply:

(1) the aggregate of all investments each of which is an investment that is included in the class provided for in subparagraph 1 of the first paragraph of section 19.0.0.2 and that is an investment in a large entity within the meaning of section 19.0.0.8 may not exceed 30% of the Société's average net assets for the preceding fiscal year;

(2) the aggregate of all investments each of which is an investment included in the class provided for in subparagraph 2 of the first paragraph of section 19.0.0.2 and made in Société en commandite Essor et Coopération may not exceed $85,000,000;

(3) the aggregate of all investments each of which is an investment included in the class provided for in subparagraph 3 of the first paragraph of section 19.0.0.2 may not exceed 10% of the Société's average net assets for the preceding fiscal year; and

(4) the aggregate of all amounts each of which is either the Société's share in an investment that is, at the end of 31 December 2023, deemed to have been made by a limited partnership or a fund and that is included in the class provided for in subparagraph 1 of the first paragraph of section 19.0.0.2 as an investment described in subparagraph iv of subparagraph *b* of that subparagraph 1 or any of the following investments may not exceed 12% of the Société's net assets at the end of the preceding fiscal year:

(*a*) an investment that is deemed to have been made by the Société and that is included in the class provided for in subparagraph 1 of the first paragraph of section 19.0.0.2 because of the first paragraph of section 19.0.0.3 or an investment that is, at the end of 31 December 2023, deemed to have been made by the Société and that is included in that class as an investment described in subparagraph i or iii of subparagraph *b* of that subparagraph 1,

(*b*) an investment that is deemed to have been made by the Société in Société en commandite Essor et Coopération and that is included in the class provided for in subparagraph 2 of the first paragraph of section 19.0.0.2 because of the first paragraph of section 19.0.0.3 or an investment that is, at the end of 31 December 2023, deemed to have been made by the Société in that limited partnership and that is included in that class as an investment described in subparagraph ii of subparagraph *b* of that subparagraph 2, or

(*c*) an investment that is deemed to have been made by the Société and that is included in the class provided for in subparagraph 3 of the first paragraph of section 19.0.0.2 because of the first paragraph of section 19.0.0.3.

For the purposes of the first paragraph, the following rules apply:

(1) the Société's net assets and average net assets must be determined by taking into account the rules set out in the third paragraph of section 19;

(2) no investment described in subparagraph *b* of subparagraphs 1 to 3 of the first paragraph of section 19.0.0.2 that was disinvested may be taken into account to determine an aggregate described in any of subparagraphs 1 to 3 of the first paragraph; and

(3) no investment that is, at the end of 31 December 2023, deemed to have been made by the Société, nor any share of the Société in an investment that is, on that date, deemed to have been made by a limited partnership or a fund may be taken into account to determine the aggregate described in subparagraph 4 of the first paragraph, in the case where the investment has been made.

"**19.0.0.8.** For the purposes of subparagraph 1 of the first paragraph of section 19.0.0.7, the following investments are investments in a large entity:

(1) an investment made, at any time, in an entity whose assets are greater than $200,000,000 and whose net equity is greater than $100,000,000 at that time; and

(2) an investment made, at any time, otherwise than as first purchaser for the acquisition of securities issued by an entity whose assets are greater than $200,000,000 and whose net equity is greater than $100,000,000 at that time.

For the purposes of the first paragraph, the assets and net equity of an entity at any time are those shown in its financial statements at that time, minus the write-up surplus of its property and the incorporeal assets."

(2) Subsection 1 has effect from 1 January 2024. However, where section 19.0.0.5 of the Act applies before 1 June 2024, it is to be read as if "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)" in subparagraph 2 of the first paragraph were replaced by "Fonds de solidarité des travailleurs du Québec (F.T.Q.)".

15. (1) Section 19.0.1 of the Act is amended

(1) by replacing subparagraphs *a* and *b* of paragraph 1 by the following subparagraphs:

"(*a*) the percentage that, on the average, the Société's eligible investments for the particular fiscal year are of the Société's average net assets for the preceding fiscal year is equal to or greater than 55% and less than 65%, or

"(*b*) the percentage that, on the average, the investments described in subparagraph 2 of the second paragraph of section 19 for the particular fiscal year are of the Société's average net assets for the preceding fiscal year is equal to or greater than 27.5% and less than 32.5%;";

(2) by replacing subparagraphs *a* and *b* of paragraph 2 by the following subparagraphs:

"(*a*) the percentage that, on the average, the Société's eligible investments for the particular fiscal year are of the Société's average net assets for the preceding fiscal year is equal to or greater than 45% and less than 55%, or

"(*b*) the percentage that, on the average, the investments described in subparagraph 2 of the second paragraph of section 19 for the particular fiscal year are of the Société's average net assets for the preceding fiscal year is equal to or greater than 22.5% and less than 27.5%;";

(3) by replacing subparagraphs *a* and *b* of paragraph 3 by the following subparagraphs:

"(*a*) the percentage that, on the average, the Société's eligible investments for the particular fiscal year are of the Société's average net assets for the preceding fiscal year is equal to or greater than 35% and less than 45%, or

"(*b*) the percentage that, on the average, the investments described in subparagraph 2 of the second paragraph of section 19 for the particular fiscal year are of the Société's average net assets for the preceding fiscal year is equal to or greater than 17.5% and less than 22.5%; or";

(4) by replacing subparagraphs *a* and *b* of paragraph 4 by the following subparagraphs:

"(*a*) the percentage that, on the average, the Société's eligible investments for the particular fiscal year are of the Société's average net assets for the preceding fiscal year is less than 35%, or

"(*b*) the percentage that, on the average, the investments described in subparagraph 2 of the second paragraph of section 19 for the particular fiscal year are of the Société's average net assets for the preceding fiscal year is less than 17.5%."

(2) Subsection 1 applies to a fiscal year that begins after 31 December 2023.

16. (1) Section 20 of the Act is amended

(1) by replacing the second paragraph by the following paragraph:

"The percentage may be increased up to 10% to enable the Société to acquire securities in an eligible Québec entity whose assets are greater than $200,000,000 and whose net equity is greater than $100,000,000 at the time of the acquisition.

In such a case, the Société may not, directly or indirectly, acquire or hold shares carrying more than 30% of the voting rights attached to the shares of the entity that may be exercised under any circumstances.";

(2) by adding the following paragraph at the end:

"For the purposes of the second paragraph, the assets and net equity of an eligible Québec entity at the time of the acquisition of its securities are those shown in its financial statements at that time, minus the write-up surplus of its property and the incorporeal assets."

(2) Subsection 1 has effect from 1 January 2024.

17. (1) Schedules 2 to 4 to the Act are repealed.

(2) Subsection 1 has effect from 1 January 2024.

CODE OF ETHICS AND CONDUCT OF THE MEMBERS OF THE NATIONAL ASSEMBLY

18. (1) Section 45 of the Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1) is amended by replacing "Fonds de solidarité des travailleurs du Québec (F.T.Q.)" in the second paragraph by "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)".

(2) Subsection 1 applies from 1 June 2024.

ACT TO ESTABLISH FONDACTION, LE FONDS DE DÉVELOPPEMENT DE LA CONFÉDÉRATION DES SYNDICATS NATIONAUX POUR LA COOPÉRATION ET L'EMPLOI

19. (1) Section 9 of the Act to establish Fondaction, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi (chapter F-3.1.2) is amended by replacing "natural person" in the first paragraph by "person of full age".

(2) Subsection 1 applies from 1 June 2024.

20. (1) Section 11 of the Act is amended by replacing paragraphs 1 and 2 by the following paragraphs:

"(1) at the request of a person who has reached 45 years of age and has availed himself of his right to early retirement or retirement or who has reached 65 years of age, if the person acquired the share or fractional share from the Fund at least

(*a*) two years prior to the request, where the acquisition occurred before 1 June 2024,

(*b*) three years prior to the request, where the acquisition occurred after 31 May 2024 and before 1 June 2025,

(*c*) four years prior to the request, where the acquisition occurred after 31 May 2025 and before 1 June 2026, or

(*d*) five years prior to the request, where the acquisition occurred after 31 May 2026;

"(2) at the request of a person who is the holder of the share or fractional share without being the person who acquired it from the Fund, if the person who acquired it from the Fund has reached 65 years of age or, if deceased, would have reached that age had he lived, provided that the share or fractional share was issued by the Fund at least

(*a*) two years prior to the date of redemption, where the share or fractional share was issued before 1 June 2024,

(*b*) three years prior to the date of redemption, where the share or fractional share was issued after 31 May 2024 and before 1 June 2025,

(*c*) four years prior to the date of redemption, where the share or fractional share was issued after 31 May 2025 and before 1 June 2026, or

(*d*) five years prior to the date of redemption, where the share or fractional share was issued after 31 May 2026;".

(2) Subsection 1 applies from 1 June 2024.

21. (1) Section 16 of the Act is amended

(1) by replacing paragraphs 1 to 5 by the following paragraphs:

"(1) to support Québec workers in their efforts to save more for their retirement, in particular by raising awareness and offering an accessible savings product; and

"(2) to channel these accrued savings to Québec's economic, social and environmental advantage by investing them using an approach that is mindful of meeting the needs of persons while protecting the environment and respecting the limits of natural ecosystems;";

(2) by adding the following paragraph at the end:

"Moreover, the Fund prioritizes investments that mainly aim to

(1) promote enterprises whose activities are in keeping with the principle of sustainable development and that take environmental, social and governance factors into account in their decision-making;

(2) assist enterprises to support their growth, boost their productivity, reduce their environmental footprint, stimulate innovation and foster inclusion so as to make them more valuable, resilient and sustainable;

(3) support strategic initiatives and projects with significant economic benefits that improve access to quality jobs, help protect the environment and reduce inequality; and

(4) enable workers to collectively influence Québec's sustainable development."

(2) Subsection 1 applies from 1 June 2024.

22. (1) Section 18 of the Act is amended

(1) by replacing "partnership or a legal person" in the first paragraph by "partnership, a legal person or a social trust";

(2) by striking out the second paragraph.

(2) Subsection 1 applies from 1 June 2024.

23. (1) Section 18.1 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

"For the purposes of this Act, "eligible Québec enterprise" means an enterprise in active operation in Québec that

(1) is Québec-owned; or

(2) has a main decision-making centre that is operated in Québec.";

(2) by striking out the second paragraph.

(2) Subsection 1 applies from 1 June 2024.

24. (1) Section 19 of the Act is amended

(1) by replacing the second paragraph by the following paragraph:

"However, for a fiscal year, the Fund's eligible investments must represent, on the average, at least 65% of its average net assets for the preceding fiscal year.";

(2) by replacing subparagraph 1 of the third paragraph by the following subparagraph:

"(1) the Fund's average net assets for a fiscal year must be determined by adding its net assets at the beginning of that year, its net assets at the end of that year and its net assets at the beginning of the preceding fiscal year, then dividing the sum so obtained by 3;";

(3) by replacing the formula in subparagraph 3 of the third paragraph by the following formula:

"(A + B + C + D + E + F)/3";

(4) by replacing subparagraphs 1 and 2 of the fourth paragraph by the following subparagraphs:

"(1) A is the Fund's eligible investments at the beginning of the fiscal year, excluding those described in subparagraph *b* of subparagraphs 1 to 3 of the first paragraph of section 19.3 that were disinvested before that time;

"(2) B is the Fund's eligible investments at the end of the fiscal year, excluding those described in subparagraph *b* of subparagraphs 1 to 3 of the first paragraph of section 19.3 that were disinvested before that time;";

(5) by adding the following subparagraphs at the end of the fourth paragraph:

"(5) E is the Fund's eligible investments at the beginning of the preceding fiscal year, excluding those described in subparagraph *b* of subparagraphs 1 to 3 of the first paragraph of section 19.3 that were disinvested before that time; and

"(6) F is the amount determined under subparagraph 3 for the second preceding fiscal year.";

(6) by striking out the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth paragraphs.

(2) Subsection 1 applies to a fiscal year that begins after 31 May 2024. However, where section 19 of the Act applies to a fiscal year that begins on 1 June 2024, it is to be read as if subparagraph 5 of the fourth paragraph were replaced by the following subparagraph:

"(5) E is the value of A in the formula for the preceding fiscal year; and".

25. (1) Sections 19.1 and 19.2 of the Act are repealed.

(2) Subsection 1 applies from 1 June 2024.

26. (1) The Act is amended by inserting the following sections after section 19.2:

"**19.3.** For the purposes of section 19, the following investments are eligible investments:

(1) investments that belong to the class of Québec enterprises, which includes

(*a*) investments entailing, subject to section 19.5, no security or hypothec, made after 31 May 2024 in accordance with a comprehensive investment policy adopted by the board of directors of the Fund and approved by the Minister of Finance, each of which is

i. an investment made by the Fund in an eligible Québec enterprise,

ii. an investment made by the Fund otherwise than as first purchaser for the acquisition of securities issued by an eligible Québec enterprise, or

iii. a new investment or a reinvestment made by the Fund in an enterprise it held in its portfolio at the end of 31 May 2024, where the initial investment is included in this class, and

(*b*) investments of the Fund at the end of 31 May 2024, each of which is

i. an investment described in any of subparagraphs 1, 2 and 4 to 6 of the fifth paragraph of section 19, as it read in its application to the Fund's fiscal year ended on that date (in this section referred to as the "former version"), including an investment deemed to have been made by the Fund and described in any of those subparagraphs because of the seventh paragraph of that section, in the same version, or

ii. an investment described in the sixth paragraph of section 19, in its former version, including an investment deemed to have been made by the Fund and described in that paragraph because of the seventh paragraph of that section, in the same version;

(2) investments that belong to the class of Québec investment funds, which includes

(*a*) investments entailing no security or hypothec and made after 31 May 2024 in accordance with the comprehensive investment policy, each of which is

i. an investment made by the Fund in an investment fund managed in Québec, with the expectation that the fund directly or indirectly invest an amount in eligible Québec enterprises that is at least equal to the sums received from the Fund, or

ii. a new investment or a reinvestment made by the Fund in a limited partnership or a fund it held in its portfolio at the end of 31 May 2024, where the initial investment is included in this class, and

(*b*) investments of the Fund at the end of 31 May 2024, each of which is

i. an investment described in any of subparagraphs 8 to 10, 12 and 13 of the fifth paragraph of section 19, in its former version, including an investment deemed to have been made by the Fund and described in any of those subparagraphs because of the eighth paragraph of that section, in the same version, or

ii. an investment described in subparagraph 11 of the fifth paragraph of section 19, in its former version, including an investment deemed to have been made by the Fund and described in that subparagraph because of the seventh paragraph of that section, in the same version; and

(3) investments that belong to the class of other interventions for the benefit of Québec, which includes

(*a*) investments entailing no security or hypothec and made after 31 May 2024 in accordance with the comprehensive investment policy, each of which is

i. an investment made by the Fund in the real estate sector in relation to a new or substantially renovated income-producing immovable situated in Québec, provided that the investment generates societal benefits for Québec in accordance with the rules set out in that respect in the comprehensive investment policy, or

ii. an investment that is made by the Fund in an investment fund managed outside Québec and that is an investment described in the third paragraph, up to the amount invested by that fund in eligible Québec enterprises, where this section applies to a fiscal year of the Fund that is subsequent to the second fiscal year that follows the fiscal year in which that investment was made, and

(*b*) investments of the Fund at the end of 31 May 2024, each of which is

i. an investment described in subparagraph 3 of the fifth paragraph of section 19, in its former version, including an investment deemed to have been made by the Fund and described in that subparagraph because of the seventh paragraph of that section, in the same version, except an investment not permitted under the twelfth paragraph of that section, in the same version, or

ii. an investment described in subparagraph 7 of the fifth paragraph of section 19, in its former version, including an investment deemed to have been made by the Fund and described in that subparagraph because of the seventh paragraph of that section, in the same version.

For the purposes of subparagraph ii of subparagraph *a* of subparagraph 1 of the first paragraph of this section and the third paragraph of section 19.4, a dealer acting as an intermediary or firm underwriter is not considered to be a first purchaser of securities.

The investment to which subparagraph ii of subparagraph *a* of subparagraph 3 of the first paragraph refers is either an investment that the Fund has agreed to make, at any time in a fiscal year that begins after 31 May 2024, with an investment fund managed outside Québec and for which the Fund has committed but not yet disbursed sums at the end of that fiscal year, on the condition that such an investment be taken into account to determine whether the Fund complies with the requirement of the second paragraph of section 19 for that fiscal year, or, where that condition is not met, each of the sums subsequently disbursed by the Fund because of that investment.

"**19.4.** An investment that was agreed to by the Fund at any time after 31 May 2024, for which it has committed but not yet disbursed sums at the end of a fiscal year and that would have been an eligible investment within the meaning of section 19.3 if it had been made by the Fund at that time is deemed, for the purposes of that section, to have been made by the Fund at that time.

In addition, an investment made by the Fund, at any time after 31 May 2024, in an entity that is not an enterprise within the meaning of section 18 and that is either a partnership (other than a partnership that is an investment fund) or a legal person, for the purpose of investing in a particular enterprise, is deemed, for the purposes of subparagraph i or iii of subparagraph *a* of subparagraph 1 of the first paragraph of section 19.3, to be an investment made at that time by the Fund in the particular enterprise.

Similarly, an investment made, at any time after 31 May 2024, by an entity that is neither an enterprise within the meaning of section 18 nor an investment fund otherwise than as first purchaser for the acquisition of securities issued by an enterprise is deemed, for the purposes of subparagraph ii of subparagraph *a* of subparagraph 1 of the first paragraph of section 19.3, to have been made, at that time, by the Fund in proportion to its share in the entity, if one of the main reasons for which the Fund holds an interest in the entity is to enable the financing of such an acquisition.

"**19.5.** For the purpose of including an investment made after 31 May 2024 in a class provided for in section 19.3, the following rules apply:

(1) the mere fact that such an investment entails a security does not prevent it from being included in the class provided for in subparagraph 1 of the first paragraph of that section to the extent that it is part of a financing package, in which Fonds de transfert d'entreprise du Québec, s.e.c. participates, for the succession of an enterprise;

(2) where such an investment is made in an enterprise that is an investment fund, it may only be included in the class provided for in subparagraph 2 of the first paragraph of that section; and

(3) where such an investment is made in the real estate sector in relation to a new or substantially renovated income-producing immovable situated in Québec, it may only be included in the class provided for in subparagraph 3 of the first paragraph of that section.

"**19.6.** In respect of investments included in the class provided for in subparagraph 2 of the first paragraph of section 19.3, the following rules apply:

(1) such investments are deemed to be increased by 50% if they are investments made in Fonds de transfert d'entreprise du Québec, s.e.c.; and

(2) where such investments are taken into account for the purposes of the second paragraph of section 19 for a fiscal year of the Fund that ends before 1 January 2027, they are, up to 5% of the Fund's net assets at the end of the preceding fiscal year, deemed to be increased by 50% if they are investments made by the Fund after 21 April 2005 and before 1 June 2026 in a local venture capital fund established and managed in Québec or in a local fund recognized by the Minister of Finance, with the expectation that that fund invest an amount at least equal to 150% of the aggregate of the sums received from the Fund, from Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ) and from Capital régional et coopératif Desjardins in Québec enterprises whose assets are less than $100,000,000 or whose net equity is less than $50,000,000.

For the purposes of the first paragraph, the Fund's net assets must be determined by taking into account subparagraph 2 of the third paragraph of section 19. In addition, the assets or net equity of an enterprise are the assets or net equity shown in its financial statements for its fiscal year ended before the time at which the investment is made, minus the write-up surplus of its property and the incorporeal assets. In the case of an enterprise which has not completed its first fiscal year, a chartered accountant must confirm in writing to the Fund that the assets or net equity, as the case may be, of the enterprise are, immediately before the investment, under the limits provided for in subparagraph 2 of the first paragraph.

"**19.7.** Any investment of the Fund at the end of 31 May 2024 included in the class provided for in subparagraph 3 of the first paragraph of section 19.3 that is an investment described in subparagraph 1 or 2 of the first paragraph of section 19.1, as it read in its application before being repealed, must, for any fiscal year of the Fund beginning after that date, be limited to the same extent as it would have been if section 19.1 had continued to apply in its respect.

"**19.8.** For the purpose of applying section 19.3 to a fiscal year of the Fund, the following restrictions apply:

(1) the aggregate of all investments each of which is an investment that is included in the class provided for in subparagraph 1 of the first paragraph of section 19.3 and that is an investment in a large enterprise within the meaning of section 19.9 may not exceed 30% of the Fund's average net assets for the preceding fiscal year;

(2) the aggregate of all investments each of which is an investment included in the class provided for in subparagraph 3 of the first paragraph of section 19.3 may not exceed 10% of the Fund's average net assets for the preceding fiscal year; and

(3) the aggregate of all investments each of which is one of the following investments may not exceed 12% of the Fund's net assets at the end of the preceding fiscal year:

(*a*) an investment that is deemed to have been made by the Fund and that is included in the class provided for in subparagraph 1 of the first paragraph of section 19.3 because of the first paragraph of section 19.4 or an investment that is, at the end of 31 May 2024, deemed to have been made by the Fund and that is included in that class as an investment described in subparagraph i or ii of subparagraph *b* of that subparagraph 1,

(*b*) an investment that is deemed to have been made by the Fund in Fonds Biomasse Énergie I, S.E.C. and that is included in the class provided for in subparagraph 2 of the first paragraph of section 19.3 because of the first paragraph of section 19.4 or an investment that is, at the end of 31 May 2024, deemed to have been made by the Fund and that is included in that class as an investment described in subparagraph ii of subparagraph *b* of that subparagraph 2, or

(*c*) an investment that is deemed to have been made by the Fund and that is included in the class provided for in subparagraph 3 of the first paragraph of section 19.3 because of the first paragraph of section 19.4 or an investment that is, at the end of 31 May 2024, deemed to have been made by the Fund and that is included in that class as an investment described in subparagraph i or ii of subparagraph *b* of that subparagraph 3.

For the purposes of the first paragraph, the following rules apply:

(1) the Fund's net assets and average net assets must be determined by taking into account the rules set out in the third paragraph of section 19;

(2) no investment described in subparagraph *b* of subparagraphs 1 to 3 of the first paragraph of section 19.3 that was disinvested may be taken into account to determine an aggregate described in subparagraph 1 or 2 of the first paragraph; and

(3) no investment that is, at the end of 31 May 2024, deemed to have been made by the Fund may be taken into account to determine the aggregate described in subparagraph 3 of the first paragraph, in the case where the investment has been made.

"**19.9.** For the purposes of subparagraph 1 of the first paragraph of section 19.8, the following investments are investments in a large enterprise:

(1) an investment made, at any time, in an enterprise whose assets are greater than $200,000,000 and whose net equity is greater than $100,000,000 at that time; and

(2) an investment made, at any time, otherwise than as first purchaser for the acquisition of securities issued by an enterprise whose assets are greater than $200,000,000 and whose net equity is greater than $100,000,000 at that time.

For the purposes of the first paragraph, the assets and net equity of an enterprise at any time are those shown in its financial statements at that time, minus the write-up surplus of its property and the incorporeal assets."

(2) Subsection 1 applies from 1 June 2024.

27. (1) Section 20 of the Act is amended

(1) by replacing subparagraphs 1 to 3 of the first paragraph by the following subparagraphs:

"(1) 75% of the total consideration paid for class "A" and class "B" shares or fractional shares issued in the preceding fiscal year, excluding the total consideration paid for class "A" and class "B" shares or fractional shares acquired and paid by payroll deduction or account debit in accordance with Division V or acquired under a subscription agreement entered into with an employer in favour of the employer's employees, if the percentage of the Fund's average eligible investments for the particular fiscal year relative to the Fund's average net assets for the preceding fiscal year is equal to or greater than 55% and less than 65%;

"(2) 50% of the consideration referred to in subparagraph 1 if the percentage of the Fund's average eligible investments for the particular fiscal year relative to the Fund's average net assets for the preceding fiscal year is equal to or greater than 45% and less than 55%; or

"(3) 25% of the consideration referred to in subparagraph 1 if the percentage of the Fund's average eligible investments for the particular fiscal year relative to the Fund's average net assets for the preceding fiscal year is equal to or greater than 35% and less than 45%.";

(2) by replacing the second paragraph by the following paragraph:

"The Fund may not issue any class "A" or class "B" shares or fractional shares in the fiscal year following the particular fiscal year if the percentage of the Fund's average eligible investments for the particular fiscal year relative to the Fund's average net assets for the preceding fiscal year is less than 35%."

(2) Subsection 1 applies to a fiscal year that begins after 31 May 2024.

28. (1) Section 21 of the Act is amended

(1) by replacing the second paragraph by the following paragraph:

"The percentage may be increased up to 10% to enable the Fund to acquire securities in an eligible Québec enterprise whose assets are greater than $200,000,000 and whose net equity is greater than $100,000,000 at the time of the acquisition. In such a case, the Fund may not, directly or indirectly, acquire or hold shares carrying more than 30% of the voting rights attached to the shares of the enterprise that may be exercised under any circumstances.";

(2) by adding the following paragraph at the end:

"For the purposes of the second paragraph, the assets and net equity of an eligible Québec enterprise at the time of the acquisition of its securities are those shown in its financial statements at that time, minus the write-up surplus of its property and the incorporeal assets."

(2) Subsection 1 applies from 1 June 2024.

29. (1) Section 22 of the Act is amended by replacing "eligible enterprises" in the first paragraph by "eligible Québec enterprises".

(2) Subsection 1 applies from 1 June 2024.

30. (1) Section 36 of the Act is amended by inserting "so" after "been".

(2) Subsection 1 applies from 1 June 2024.

ACT TO ESTABLISH THE FONDS DE SOLIDARITÉ DES TRAVAILLEURS DU QUÉBEC (F.T.Q.)

31. (1) The title of the Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (chapter F-3.2.1) is replaced by the following title:

"ACT TO ESTABLISH THE FONDS DE SOLIDARITÉ DES TRAVAILLEURS ET DES TRAVAILLEUSES DU QUÉBEC (FTQ)".

(2) Subsection 1 applies from 1 June 2024.

32. (1) The preamble to the Act is amended by replacing "Fédération des travailleurs du Québec" in the first and third paragraphs by "Fédération des travailleurs et travailleuses du Québec".

(2) Subsection 1 applies from 1 June 2024.

33. (1) Section 1 of the Act is replaced by the following section:

"**1.** A joint-stock company is hereby constituted under the name "Fonds de solidarité des travailleurs du Québec (F.T.Q.)". It continues its existence under the name "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)", hereinafter called the "Fund"."

(2) Subsection 1 applies from 1 June 2024.

34. (1) Section 8 of the Act is amended by replacing "natural person" in the first paragraph by "person of full age".

(2) Subsection 1 applies from 1 June 2024.

35. (1) Section 10 of the Act is amended by replacing paragraphs 1 and 2 by the following paragraphs:

"(1) at the request of a person who has reached 45 years of age and has availed himself of his right to early retirement or retirement or who has reached 65 years of age, if the person acquired the share or fractional share from the Fund at least

(*a*) two years prior to the request, where the acquisition occurred before 1 June 2024,

(*b*) three years prior to the request, where the acquisition occurred after 31 May 2024 and before 1 June 2025,

(*c*) four years prior to the request, where the acquisition occurred after 31 May 2025 and before 1 June 2026, or

(*d*) five years prior to the request, where the acquisition occurred after 31 May 2026;

"(2) at the request of a shareholder, who did not acquire the share or fractional share from the Fund, if the person who acquired it from the Fund has reached 65 years of age or, if deceased, would have reached that age had he lived, provided that, in either case, the share or fractional share was issued by the Fund at least

(*a*) two years prior to the date of redemption, where the share or fractional share was issued before 1 June 2024,

(*b*) three years prior to the date of redemption, where the share or fractional share was issued after 31 May 2024 and before 1 June 2025,

(*c*) four years prior to the date of redemption, where the share or fractional share was issued after 31 May 2025 and before 1 June 2026, or

(*d*) five years prior to the date of redemption, where the share or fractional share was issued after 31 May 2026;".

(2) Subsection 1 applies from 1 June 2024.

36. (1) Section 13 of the Act is amended by replacing paragraphs 1 to 4 by the following paragraphs:

"(1) to encourage retirement savings among Québec workers by, in particular, issuing shares, so that they can have a decent retirement;

"(2) to invest development capital and venture capital in eligible Québec enterprises and provide them with support services to deal with the issues with which they are confronted, in order to create, maintain and protect jobs and better prepare Québec workers and enterprises for the future;

"(3) to promote the training of workers on the economy, retirement, climate change and other matters of importance to Québec's economy and thereby enable workers to increase their influence on the economic development of Québec and of their enterprise; and

"(4) to create value by stimulating the Québec economy by making strategic investments that will be of benefit to Québec workers and enterprises."

(2) Subsection 1 applies from 1 June 2024.

37. (1) Section 14 of the Act is amended

(1) by replacing "partnership or legal person" in the first paragraph by "partnership, a legal person or a social trust";

(2) by striking out the second paragraph.

(2) Subsection 1 applies from 1 June 2024.

38. (1) Section 14.1 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

"For the purposes of this Act, "eligible Québec enterprise" means an enterprise in active operation in Québec that

(1) is Québec-owned; or

(2) has a main decision-making centre that is operated in Québec.";

(2) by striking out the second paragraph.

(2) Subsection 1 applies from 1 June 2024.

39. (1) Section 15 of the Act is amended

(1) by replacing the second paragraph by the following paragraph:

"However, for a fiscal year, the Fund's eligible investments must represent, on the average, at least 65% of its average net assets for the preceding fiscal year.";

(2) by replacing subparagraph 1 of the third paragraph by the following subparagraph:

"(1) the Fund's average net assets for a fiscal year must be determined by adding its net assets at the beginning of that year, its net assets at the end of that year and its net assets at the beginning of the preceding fiscal year, then dividing the sum so obtained by 3;";

(3) by replacing the formula in subparagraph 3 of the third paragraph by the following formula:

"$[(A + B + C + C_{A-1} + C_{A-2} + D)/3] + E$";

(4) by replacing subparagraphs 1 and 2 of the fourth paragraph by the following subparagraphs:

"(1) A is the Fund's eligible investments at the beginning of the fiscal year, excluding those described in subparagraph *b* of subparagraphs 1 to 3 of the first paragraph of section 15.0.3 that were disinvested before that time;

"(2) B is the Fund's eligible investments at the end of the fiscal year, excluding those described in subparagraph *b* of subparagraphs 1 to 3 of the first paragraph of section 15.0.3 that were disinvested before that time;";

(5) by replacing subparagraph 4 of the fourth paragraph by the following subparagraph:

"(4) C_{A-1} is the amount determined under subparagraph 3 for the preceding fiscal year;";

(6) by inserting the following subparagraphs after subparagraph 4 of the fourth paragraph:

"(4.1) C_{A-2} is the amount determined under subparagraph 3 for the second preceding fiscal year;

"(4.2) D is the Fund's eligible investments at the beginning of the preceding fiscal year, excluding those described in subparagraph *b* of subparagraphs 1 to 3 of the first paragraph of section 15.0.3 that were disinvested before that time; and";

(7) by replacing the portion of subparagraph 5 of the fourth paragraph before the formula by the following:

"(5) E is the amount designated by the Fund for the fiscal year, which amount may not exceed the lesser of $500,000,000 and the amount determined for the fiscal year by the formula";

(8) by striking out "subparagraph *f* of" in the portion of the fifth paragraph before subparagraph 1 and in that subparagraph 1;

(9) by replacing subparagraphs 5 to 7 of the fifth paragraph by the following subparagraphs:

"(5) G_{A-2} is 65% of the Fund's average net assets for the second preceding fiscal year;

"(6) G_{A-3} is 65% of the Fund's average net assets for the third preceding fiscal year;

"(7) G_{A-4} is 65% of the Fund's average net assets for the fourth preceding fiscal year; and";

(10) by striking out the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth paragraphs.

(2) Subsection 1 applies to a fiscal year that begins after 31 May 2024. However,

(1) where section 15 of the Act applies to a fiscal year that begins on 1 June 2024, it is to be read

(*a*) as if subparagraph 4.2 of the fourth paragraph were replaced by the following subparagraph:

"(4.2) D is the value of A in the formula for the preceding fiscal year; and";

(*b*) as if subparagraphs 2 to 4 of the fifth paragraph were replaced by the following subparagraphs:

"(2) F_{A-1} is the amount by which the amount determined under subparagraph 3 of the third paragraph for the preceding fiscal year exceeds the amount designated by the Fund under subparagraph 5 of the fourth paragraph for that fiscal year;

"(3) F_{A-2} is the amount by which the amount determined under subparagraph 3 of the third paragraph for the second preceding fiscal year exceeds the amount designated by the Fund under subparagraph 5 of the fourth paragraph for that fiscal year;

"(4) F_{A-3} is the amount by which the amount determined under subparagraph 3 of the third paragraph for the third preceding fiscal year exceeds the amount designated by the Fund under subparagraph 5 of the fourth paragraph for that fiscal year;"; and

(*c*) as if "of the Fund's average net assets" in subparagraphs 5 to 7 of the fifth paragraph were replaced by "of the amount determined under subparagraph 1 of the third paragraph";

(2) where section 15 of the Act applies to a fiscal year that begins on 1 June 2025, it is to be read

(*a*) as if subparagraphs 3 and 4 of the fifth paragraph were replaced by the following subparagraphs:

"(3) F_{A-2} is the amount by which the amount determined under subparagraph 3 of the third paragraph for the second preceding fiscal year exceeds the amount designated by the Fund under subparagraph 5 of the fourth paragraph for that fiscal year;

"(4) F_{A-3} is the amount by which the amount determined under subparagraph 3 of the third paragraph for the third preceding fiscal year exceeds the amount designated by the Fund under subparagraph 5 of the fourth paragraph for that fiscal year;"; and

(*b*) as if "of the Fund's average net assets" in subparagraphs 6 and 7 of the fifth paragraph were replaced by "of the amount determined under subparagraph 1 of the third paragraph"; and

(3) where section 15 of the Act applies to a fiscal year that begins on 1 June 2026, it is to be read

(*a*) as if subparagraph 4 of the fifth paragraph were replaced by the following subparagraph:

"(4) F_{A-3} is the amount by which the amount determined under subparagraph 3 of the third paragraph for the third preceding fiscal year exceeds the amount designated by the Fund under subparagraph 5 of the fourth paragraph for that fiscal year;"; and

(*b*) as if "of the Fund's average net assets" in subparagraph 7 of the fifth paragraph were replaced by "of the amount determined under subparagraph 1 of the third paragraph".

40. (1) Sections 15.0.0.1 to 15.0.2 of the Act are repealed.

(2) Subsection 1 applies from 1 June 2024.

41. (1) The Act is amended by inserting the following sections after section 15.0.2:

"**15.0.3.** For the purposes of section 15, the following investments are eligible investments:

(1) investments that belong to the class of Québec enterprises, which includes

(*a*) investments entailing, subject to section 15.0.5, no security or hypothec, made after 31 May 2024 in accordance with a comprehensive investment policy adopted by the board of directors of the Fund and approved by the Minister of Finance, each of which is

i. an investment made by the Fund in an eligible Québec enterprise,

ii. an investment made by the Fund otherwise than as first purchaser for the acquisition of securities issued by an eligible Québec enterprise, or

iii. a new investment or a reinvestment made by the Fund in an enterprise it held in its portfolio at the end of 31 May 2024, where the initial investment is included in this class, and

(*b*) investments of the Fund at the end of 31 May 2024, each of which is

i. an investment described in any of subparagraphs 1, 2 and 4 to 6 of the sixth paragraph of section 15, as it read in its application to the Fund's fiscal year ended on that date (in this section referred to as the "former version"), including an investment deemed to have been made by the Fund and described in any of those subparagraphs because of the eighth paragraph of that section, in the same version, or

ii. an investment described in the seventh paragraph of section 15, in its former version, including an investment deemed to have been made by the Fund and described in that paragraph because of the eighth paragraph of that section, in the same version;

(2) investments that belong to the class of Québec investment funds, which includes

(*a*) investments entailing no security or hypothec and made after 31 May 2024 in accordance with the comprehensive investment policy, each of which is

i. an investment made by the Fund in an investment fund managed in Québec, with the expectation that the fund directly or indirectly invest an amount in eligible Québec enterprises that is at least equal to the sums received from the Fund, or

ii. a new investment or a reinvestment made by the Fund in a limited partnership or a fund it held in its portfolio at the end of 31 May 2024, where the initial investment is included in this class, and

(*b*) investments of the Fund at the end of 31 May 2024, each of which is

i. an investment described in any of subparagraphs 8, 9, 12, 13 and 15 to 17 of the sixth paragraph of section 15, in its former version, including an investment deemed to have been made by the Fund and described in any of those subparagraphs because of the ninth paragraph of that section, in the same version, or

ii. an investment described in subparagraph 14 of the sixth paragraph of section 15, in its former version, including an investment deemed to have been made by the Fund and described in that subparagraph because of the eighth paragraph of that section, in the same version; and

(3) investments that belong to the class of other interventions for the benefit of Québec, which includes

(*a*) investments entailing no security or hypothec and made after 31 May 2024 in accordance with the comprehensive investment policy, each of which is

i. an investment made by the Fund, or any of its wholly-controlled subsidiaries, in the real estate sector in relation to a new or substantially renovated income-producing immovable situated in Québec, provided that the investment generates societal benefits for Québec in accordance with the rules set out in that respect in the comprehensive investment policy, or

ii. an investment that is made by the Fund in an investment fund managed outside Québec and that is an investment described in the third paragraph, up to the amount invested by that fund in eligible Québec enterprises, where this section applies to a fiscal year of the Fund that is subsequent to the second fiscal year that follows the fiscal year in which that investment was made, and

(*b*) investments of the Fund at the end of 31 May 2024, each of which is

i. an investment described in subparagraph 3 of the sixth paragraph of section 15, in its former version, including an investment deemed to have been made by the Fund and described in that subparagraph because of the eighth paragraph of that section, in the same version, except an investment not permitted under the thirteenth paragraph of that section, in the same version, or

ii. an investment described in subparagraph 7 of the sixth paragraph of section 15, in its former version, including an investment deemed to have been made by the Fund and described in that subparagraph because of the eighth paragraph of that section, in the same version.

For the purposes of subparagraph ii of subparagraph *a* of subparagraph 1 of the first paragraph of this section and the third paragraph of section 15.0.4, a

dealer acting as an intermediary or firm underwriter is not considered to be a first purchaser of securities.

The investment to which subparagraph ii of subparagraph *a* of subparagraph 3 of the first paragraph refers is either an investment that the Fund has agreed to make, at any time in a fiscal year that begins after 31 May 2024, with an investment fund managed outside Québec and for which the Fund has committed but not yet disbursed sums at the end of that fiscal year, on the condition that such an investment be taken into account to determine whether the Fund complies with the requirement of the second paragraph of section 15 for that fiscal year, or, where that condition is not met, each of the sums subsequently disbursed by the Fund because of that investment.

"**15.0.4.** An investment that was agreed to by the Fund at any time after 31 May 2024, for which it has committed but not yet disbursed sums at the end of a fiscal year and that would have been an eligible investment within the meaning of section 15.0.3 if it had been made by the Fund at that time is deemed, for the purposes of that section, to have been made by the Fund at that time.

In addition, an investment made by the Fund, at any time after 31 May 2024, in an entity that is not an enterprise within the meaning of section 14 and that is either a partnership (other than a partnership that is an investment fund) or a legal person, for the purpose of investing in a particular enterprise, is deemed, for the purposes of subparagraph i or iii of subparagraph *a* of subparagraph 1 of the first paragraph of section 15.0.3, to be an investment made at that time by the Fund in the particular enterprise.

Similarly, an investment made, at any time after 31 May 2024, by an entity that is neither an enterprise within the meaning of section 14 nor an investment fund otherwise than as first purchaser for the acquisition of securities issued by an enterprise is deemed, for the purposes of subparagraph ii of subparagraph *a* of subparagraph 1 of the first paragraph of section 15.0.3, to have been made, at that time, by the Fund in proportion to its share in the entity, if one of the main reasons for which the Fund holds an interest in the entity is to enable the financing of such an acquisition.

"**15.0.5.** For the purpose of including an investment made after 31 May 2024 in a class provided for in section 15.0.3, the following rules apply:

(1) the mere fact that such an investment entails a security does not prevent it from being included in the class provided for in subparagraph 1 of the first paragraph of that section to the extent that it is part of a financing package, in which Fonds de transfert d'entreprise du Québec, s.e.c. participates, for the succession of an enterprise;

(2) where such an investment is made in an enterprise that is an investment fund, it may only be included in the class provided for in subparagraph 2 of the first paragraph of that section; and

(3) where such an investment is made in the real estate sector in relation to a new or substantially renovated income-producing immovable situated in Québec, it may only be included in the class provided for in subparagraph 3 of the first paragraph of that section.

"**15.0.6.** In respect of investments included in the class provided for in subparagraph 2 of the first paragraph of section 15.0.3, the following rules apply:

(1) such investments are deemed to be increased by 50% if they are investments made in Fonds de transfert d'entreprise du Québec, s.e.c.;

(2) where such investments are taken into account for the purposes of the second paragraph of section 15 for a fiscal year of the Fund that ends before 1 January 2027, they are, up to 5% of the Fund's net assets at the end of the preceding fiscal year, deemed to be increased by 50% if they are investments made by the Fund after 21 April 2005 and before 1 June 2026 in a local venture capital fund established and managed in Québec or in a local fund recognized by the Minister of Finance, with the expectation that that fund invest an amount at least equal to 150% of the aggregate of the sums received from the Fund, from Fondaction, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi and from Capital régional et coopératif Desjardins in Québec enterprises whose assets are less than $100,000,000 or whose net equity is less than $50,000,000; and

(3) the investments are deemed to be increased by 25% if they are investments made in Fonds de solidarité FTQ Pôles Logistiques, S.E.C., but the aggregate of those investments may not, before the increase, exceed $100,000,000 for the purposes of the second paragraph of section 15 for a fiscal year of the Fund.

For the purposes of the first paragraph, the Fund's net assets must be determined by taking into account subparagraph 2 of the third paragraph of section 15. In addition, the assets or net equity of an enterprise are the assets or net equity shown in its financial statements for its fiscal year ended before the time at which the investment is made, minus the write-up surplus of its property and the incorporeal assets. In the case of an enterprise which has not completed its first fiscal year, a chartered accountant must confirm in writing to the Fund that the assets or net equity, as the case may be, of the enterprise are, immediately before the investment, under the limits provided for in subparagraph 2 of the first paragraph.

"**15.0.7.** Any investment of the Fund at the end of 31 May 2024 included in the class provided for in subparagraph 3 of the first paragraph of section 15.0.3 that is an investment described in subparagraph 1 or 2 of the first paragraph of section 15.0.1, as it read in its application before being repealed, must, for any fiscal year of the Fund beginning after that date, be limited to the same extent as it would have been if section 15.0.1 had continued to apply in its respect.

"**15.0.8.** For the purpose of applying section 15.0.3 to a fiscal year of the Fund, the following restrictions apply:

(1) the aggregate of all investments each of which is an investment that is included in the class provided for in subparagraph 1 of the first paragraph of section 15.0.3 and that is an investment in a large enterprise within the meaning of section 15.0.9 may not exceed 30% of the Fund's average net assets for the preceding fiscal year;

(2) the aggregate of all investments each of which is an investment included in the class provided for in subparagraph 3 of the first paragraph of section 15.0.3 may not exceed 10% of the Fund's average net assets for the preceding fiscal year; and

(3) the aggregate of all investments each of which is one of the following investments may not exceed 12% of the Fund's net assets at the end of the preceding fiscal year:

(*a*) an investment that is deemed to have been made by the Fund and that is included in the class provided for in subparagraph 1 of the first paragraph of section 15.0.3 because of the first paragraph of section 15.0.4 or an investment that is, at the end of 31 May 2024, deemed to have been made by the Fund and that is included in that class as an investment described in subparagraph i or ii of subparagraph *b* of that subparagraph 1,

(*b*) an investment that is deemed to have been made by the Fund in Fonds Valorisation Bois, s.e.c. and that is included in the class provided for in subparagraph 2 of the first paragraph of section 15.0.3 because of the first paragraph of section 15.0.4 or an investment that is, at the end of 31 May 2024, deemed to have been made by the Fund and that is included in that class as an investment described in subparagraph ii of subparagraph *b* of that subparagraph 2, or

(*c*) an investment that is deemed to have been made by the Fund and that is included in the class provided for in subparagraph 3 of the first paragraph of section 15.0.3 because of the first paragraph of section 15.0.4 or an investment that is, at the end of 31 May 2024, deemed to have been made by the Fund and that is included in that class as an investment described in subparagraph i or ii of subparagraph *b* of that subparagraph 3.

For the purposes of the first paragraph, the following rules apply:

(1) the Fund's net assets and average net assets must be determined by taking into account the rules set out in the third paragraph of section 15;

(2) no investment described in subparagraph *b* of subparagraphs 1 to 3 of the first paragraph of section 15.0.3 that was disinvested may be taken into account to determine an aggregate described in subparagraph 1 or 2 of the first paragraph; and

(3) no investment that is, at the end of 31 May 2024, deemed to have been made by the Fund may be taken into account to determine the aggregate described in subparagraph 3 of the first paragraph, in the case where the investment has been made.

"**15.0.9.** For the purposes of subparagraph 1 of the first paragraph of section 15.0.8, the following investments are investments in a large enterprise:

(1) an investment made, at any time, in an enterprise whose assets are greater than $200,000,000 and whose net equity is greater than $100,000,000 at that time; and

(2) an investment made, at any time, otherwise than as first purchaser for the acquisition of securities issued by an enterprise whose assets are greater than $200,000,000 and whose net equity is greater than $100,000,000 at that time.

For the purposes of the first paragraph, the assets and net equity of an enterprise at any time are those shown in its financial statements at that time, minus the write-up surplus of its property and the incorporeal assets."

(2) Subsection 1 applies from 1 June 2024.

42. (1) Section 15.1 of the Act is amended

(1) by replacing subparagraphs 1 to 3 of the first paragraph by the following subparagraphs:

"(1) 75% of the total consideration paid for class "A" shares or fractional shares issued in the preceding fiscal year, excluding the total consideration paid for class "A" shares or fractional shares acquired and paid by payroll deduction in accordance with Division IV or acquired under a subscription agreement entered into with an employer in favour of the employer's employees, if the percentage of the Fund's average eligible investments for the particular fiscal year relative to the Fund's average net assets for the preceding fiscal year is equal to or greater than 55% and less than 65%;

"(2) 50% of the consideration if the percentage of the Fund's average eligible investments for the particular fiscal year relative to the Fund's average net assets for the preceding fiscal year is equal to or greater than 45% and less than 55%; or

"(3) 25% of the consideration if the percentage of the Fund's average eligible investments for the particular fiscal year relative to the Fund's average net assets for the preceding fiscal year is equal to or greater than 35% and less than 45%.";

(2) by replacing the second paragraph by the following paragraph:

"The Fund may not issue any class "A" shares or fractional shares in the fiscal year following the particular fiscal year if the percentage of the Fund's average eligible investments for the particular fiscal year relative to the Fund's average net assets for the preceding fiscal year is less than 35%.";

(3) by striking out the fourth paragraph.

(2) Subsection 1 applies to a fiscal year that begins after 31 May 2024.

43. (1) Section 16 of the Act is amended

(1) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) enables the Fund to acquire securities in an eligible Québec enterprise whose assets are greater than $200,000,000 and whose net equity is greater than $100,000,000 at the time of the acquisition; or";

(2) by adding the following paragraph at the end:

"For the purposes of subparagraph 1 of the second paragraph, the assets and net equity of an eligible Québec enterprise at the time of the acquisition of its securities are those shown in its financial statements at that time, minus the write-up surplus of its property and the incorporeal assets."

(2) Subsection 1 applies from 1 June 2024.

TAXATION ACT

44. (1) Section 1 of the Taxation Act (chapter I-3) is amended by replacing "Fonds de solidarité des travailleurs du Québec (F.T.Q.)" in paragraph *b* of the definition of "Act establishing a labour-sponsored fund" by "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)".

(2) Subsection 1 applies from 1 June 2024.

45. (1) Section 21.20.9 of the Act is amended by replacing "Fonds de solidarité des travailleurs du Québec (F.T.Q.)" in paragraph *d* by "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)".

(2) Subsection 1 applies from 1 June 2024.

46. (1) Section 75.2.1 of the Act is amended by replacing the portion before the formula in the first paragraph by the following:

"**75.2.1.** An individual who is employed as a tradesperson, at any time in the year, may deduct an amount not exceeding the lesser of $1,000 and the amount determined by the formula".

(2) Subsection 1 applies from the taxation year 2023.

47. (1) Section 75.3 of the Act is amended by replacing subparagraph 1 of subparagraph ii of subparagraph *b* of the second paragraph by the following subparagraph:

"(1) the total of the amount in dollars mentioned in the portion of the first paragraph of section 75.2.1 before the formula and the amount determined for the year for B in the formula in the first paragraph of that section, and".

(2) Subsection 1 applies from the taxation year 2023.

48. (1) Section 91.3 of the Act is replaced by the following section:

"**91.3.** For the purposes of sections 91.2 and 91.4, a flipped property of a taxpayer means a property of the taxpayer (other than a property, or a right to acquire a property, that would be a property described in the taxpayer's inventory if the definition of "inventory" in section 1 were applied without reference to section 91.2) in respect of which the following conditions are met:

(*a*) prior to its disposition by the taxpayer, the property was either

i. a housing unit located in Canada, or

ii. a right to acquire a housing unit located in Canada; and

(*b*) the property was owned by the taxpayer for less than 365 consecutive days prior to its disposition, unless it can reasonably be considered that the disposition occurred due to, or in anticipation of, one or more of the following events:

i. the death of the taxpayer or a person related to the taxpayer,

ii. one or more persons related to the taxpayer becoming members of the taxpayer's household or the taxpayer becoming a member of a related person's household,

iii. the breakdown of the marriage of the taxpayer if the taxpayer has been living separate and apart from the taxpayer's spouse for at least 90 days prior to the disposition,

iv. a threat to the personal safety of the taxpayer or a related person,

v. the taxpayer or a related person suffering from a serious disability or illness,

vi. an eligible relocation of the taxpayer or the taxpayer's spouse if the definition of "eligible relocation" in section 349.1 were applied without reference to the requirements for the new work location and the new residence to be in Canada,

vii. an involuntary termination of the employment of the taxpayer or the taxpayer's spouse,

viii. the insolvency of the taxpayer, or

ix. the destruction or expropriation of the housing unit."

(2) Subsection 1 applies in respect of a flipped property disposed of by a taxpayer after 31 December 2022, from the first day on which the taxpayer owns the flipped property.

49. (1) Section 161 of the Act is amended by replacing "Fonds de solidarité des travailleurs du Québec (F.T.Q.)" in paragraph *c* by "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)".

(2) Subsection 1 applies from 1 June 2024.

50. (1) Section 336 of the Act is amended by replacing paragraph *d* by the following paragraph:

"(*d*) an amount described in any of paragraphs *a*, *c*, *c*.1 and *e* to *e*.6 of section 311 or in section 311.1 or 311.2, as the latter section read before being repealed, the amount of any pension, supplement or allowance paid under the Old Age Security Act (Revised Statutes of Canada, 1985, chapter O-9) or the amount of any benefit paid under the Act respecting the Québec Pension Plan (chapter R-9) or a similar plan within the meaning of that Act, received by an individual and included in computing the individual's income for the year or a preceding taxation year, to the extent of the amount repaid by the individual in the year otherwise than because of Part VII of the Unemployment Insurance Act (Revised Statutes of Canada, 1985, chapter U-1), Part VII of the Employment Insurance Act (Statutes of Canada, 1996, chapter 23), Part I.2 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement) or section 8 of the Canada Recovery Benefits Act (Statutes of Canada, 2020, chapter 12, section 2), except if the tax, interest and penalties that may reasonably be attributed to that amount have been remitted under section 94.0.4 of the Tax Administration Act (chapter A-6.002) or under the Regulation respecting a remission of tax relative to the Social Solidarity Program and the Basic Income Program for the taxation year 2022, enacted by Order in Council 1041-2023 (2023, G.O. 2, 1731);".

(2) Subsection 1 has effect from 5 July 2023.

51. (1) Section 336.12 of the Act is amended by replacing "second paragraph" in paragraphs *a* and *b* by "third paragraph".

(2) Subsection 1 applies from the taxation year 2023.

52. (1) Section 491 of the Act is amended

(1) by replacing the portion of paragraph *e*.1 before subparagraph i by the following:

"(*e*.1) an amount received or enjoyed by a taxpayer or the taxpayer's spouse or survivor, within the meaning of subsection 1 of section 146.2 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), on account of";

(2) by adding the following subparagraphs at the end of paragraph *e*.1:

"v. a benefit provided under the Veterans Health Care Regulations (SOR/90-594),

"vi. a benefit provided in respect of Rehabilitation Services and Vocational Assistance under Part 2 of the Veterans Well-being Act,

"vii. a benefit provided to a member of the Canadian Forces under the Compensation and Benefit Instructions for the Canadian Forces that is

(1) a home modifications benefit,

(2) a home modifications move benefit,

(3) a vehicle modifications benefit,

(4) a home assistance benefit,

(5) an attendant care benefit,

(6) a caregiver benefit,

(7) a spousal education upgrade benefit,

(8) a funeral and burial expenses benefit, or

(9) a next of kin travel benefit, or

"viii. a benefit provided by the Department of National Defence as an education expense reimbursement for ill and injured members;";

(3) by adding the following subparagraph at the end of subparagraph i of paragraph *g*:

"(5) the Settlement Agreement entered into by His Majesty in right of Canada on 18 January 2023 in respect of the class action relating to the attendance of day scholars at residential schools, and".

(2) Paragraphs 1 and 2 of subsection 1, except where the latter paragraph enacts subparagraph viii of paragraph *e*.1 of section 491 of the Act, have effect from 1 January 2018.

(3) Paragraph 2 of subsection 1, where it enacts subparagraph viii of paragraph *e*.1 of section 491 of the Act, has effect from 1 January 2021.

(4) Paragraph 3 of subsection 1 applies from the taxation year 2023.

53. (1) The heading of Chapter V.3 of Title X of Book III of Part I of the Act is replaced by the following heading:

"SPECIFIED TRUSTS".

(2) Subsection 1 has effect from 1 January 2022.

54. (1) Section 592.7 of the Act is amended, in the definition of "Australian trust",

(1) by replacing the portion before paragraph *a* by the following:

""specified trust", at any time, means a trust in respect of which the following conditions are met at that time:";

(2) by replacing paragraph *b* by the following paragraph:

"(*b*) the trust is resident in Australia or India (each of those jurisdictions being in this chapter referred to as a "specified jurisdiction");".

(2) Subsection 1 has effect from 1 January 2022.

55. (1) Section 592.8 of the Act is amended

(1) by replacing paragraph *c* by the following paragraph:

"(*c*) the trust is at that time a specified trust;";

(2) by replacing paragraph *e* by the following paragraph:

"(*e*) unless the corporation not resident in Canada first acquires a beneficial interest in the trust at that time or first becomes a foreign affiliate of the taxpayer at that time, immediately before that time the rules of section 592.9 applied

i. in respect of the taxpayer in relation to the trust, or

ii. in respect of a corporation resident in Canada that, immediately before that time, did not deal at arm's length with the taxpayer, in relation to the trust."

(2) Paragraph 1 of subsection 1 has effect from 1 January 2022.

(3) Paragraph 2 of subsection 1 has effect from 12 July 2013, except where, because of an election made in accordance with subsection 3 of section 146 of the Act to give effect mainly to fiscal measures announced in the Budget Speech delivered on 17 March 2016 (2017, chapter 1), Chapter V.3 of Title X of Book III of Part I of the Taxation Act has effect from 1 January 2006 in respect of a corporation resident in Canada, in which case paragraph 2 of subsection 1 has effect from 1 January 2006, in respect of that corporation. In addition, for the purposes of paragraph *e* of section 592.8 of the Taxation Act, enacted by that paragraph 2, and for the purpose of determining whether a corporation not resident in Canada has a beneficial interest in a trust resident in India at a particular time after 31 December 2021, a corporation that has a beneficial interest in a trust resident in India at the beginning of the day on 1 January 2022 is deemed to have first acquired the interest at that time.

56. (1) Section 592.9 of the Act is amended by replacing paragraph *a* by the following paragraph:

"(*a*) the trust is deemed to be a corporation not resident in Canada that is resident in a specified jurisdiction and not to be a trust;".

(2) Subsection 1 has effect from 1 January 2022.

57. (1) Section 592.10 of the Act is replaced by the following section:

"**592.10.** The specified purpose to which section 592.8 refers is the determination, in respect of an interest in a specified trust, of the Québec tax results (as defined in section 21.4.16) of the taxpayer resident in Canada referred to in section 592.8 for a taxation year in respect of shares of the capital stock of a foreign affiliate of the taxpayer."

(2) Subsection 1 has effect from 1 January 2022.

58. (1) Section 646.0.1 of the Act is amended by adding the following paragraph at the end:

"Where a succession is not resident in Québec on the last day of its first taxation year that begins after 31 December 2015 and it is, at a particular time, a succession that is a graduated rate estate, within the meaning of section 248 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), the following rules apply:

(*a*) it is deemed to be a succession that is a graduated rate estate at that time for the purposes of this Part; and

(*b*) paragraph *b* of the definition of "taxation year" in section 1 is to be read as follows:

"(*b*) in the case of a succession that is a graduated rate estate, the particular period for which the succession's accounts are made up for purposes of assessment under the Income Tax Act; and"."

(2) Subsection 1 has effect from 31 December 2015.

59. (1) Section 693 of the Act is amended by replacing the second paragraph by the following paragraph:

"However, the taxpayer shall apply the provisions of this Book in the following order: Title I.0.0.1, sections 694.0.1, 694.0.2, 737.17, 737.18.12, 726.29 and 726.43 to 726.43.2, Titles V, VI.8, V.1, VI.2, VI.3, VI.3.1, VI.3.2, VI.3.2.1, VI.3.2.2, VI.3.2.3, VII, VII.0.1, VI.5 and VI.5.1, and sections 725.1.2, 737.16, 737.18.10, 737.18.11, 737.18.17.5, 737.18.17.17, 737.18.40, 737.18.44, 737.21, 737.22.0.0.3, 737.22.0.0.7, 737.22.0.3, 737.22.0.4.7, 737.22.0.7, 737.22.0.10, 737.22.0.13, 737.25, 737.28, 726.28 and 726.42."

(2) Subsection 1 has effect from 21 March 2023.

60. (1) Section 733.0.5.1 of the Act is amended by replacing "subparagraphs *a* and *b*" in the second paragraph by "subparagraphs i and ii of subparagraph *a*".

(2) Subsection 1 has effect from 21 March 2023.

61. (1) Section 737.18.17.1 of the Act is amended

(1) by inserting the following definition in alphabetical order in the first paragraph:

""computation method election" applicable to a corporation's taxation year or a partnership's fiscal period, in relation to a large investment project, means the election that the corporation or partnership makes in relation to the large investment project and to which subparagraph *b* of the first paragraph of section 737.18.17.5 refers for that year or fiscal period, as the case may be;";

(2) by replacing the definition of "date of the beginning of the tax-free period" in the first paragraph by the following definition:

""date of the beginning of the tax-free period" in respect of a large investment project of a corporation or a partnership means the date that is specified as such in the first certificate, in relation to the large investment project, or in the qualification certificate issued to the corporation or partnership, in relation to the project, where it acquired all or substantially all of the recognized business in relation to the project and where the Minister of Finance authorized the transfer of the carrying out of the project to the corporation or partnership, according to the qualification certificate;";

(3) by replacing the definition of "recognized business" in the first paragraph by the following definition:

""recognized business" of a corporation or a partnership in relation to a large investment project means a business or part of a business, carried on in Québec by the corporation or partnership, in connection with which the large investment project was carried out or is in the process of being carried out and in respect of which the corporation or partnership keeps separate accounts in respect of its eligible activities, in relation to the project, unless it made a computation method election in relation to the project;";

(4) by inserting the following definitions in alphabetical order in the first paragraph:

""maximum annual contribution exemption amount" of a corporation or a partnership for a taxation year or fiscal period, in relation to a large investment project, means the amount determined, for the year or fiscal period, as the case may be, in respect of the large investment project, by the formula in the second paragraph of section 34.1.0.3.1 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);

""maximum annual tax exemption amount" of a corporation for a taxation year, in relation to a large investment project, means the amount determined for the year, in respect of the large investment project, by the formula in subparagraph i of subparagraph *b* of the second paragraph of section 737.18.17.5.1, where the project is the corporation's project, or in subparagraph ii of that subparagraph *b*, where the project is that of a partnership of which the corporation is a member at the end of the partnership's fiscal period that ends in that year;";

(5) by inserting the following definition in alphabetical order in the first paragraph:

""adjusted taxable income" of a corporation for a taxation year means the corporation's adjusted taxable income that is determined for the year in accordance with section 737.18.17.16 or that would be so determined if Title VII.2.3.2 applied to the corporation for the year and section 737.18.17.16 were read as if the necessary modifications were made;";

(6) by replacing "subparagraph *a*" in subparagraph i of subparagraph *b* of the second paragraph by "subparagraph i of subparagraph *a*";

(7) by replacing "subparagraph *b*" in subparagraph ii of subparagraph *b* of the second paragraph by "subparagraph ii of subparagraph *a*";

(8) by inserting the following paragraph after the fourth paragraph:

"Where a corporation has made a computation method election applicable to a particular taxation year, in relation to a large investment project, such an election is deemed, for the purpose of applying this Title to the corporation for the particular year or a subsequent taxation year, to have been made in relation to all its other large investment projects as well as in relation to those of a partnership of which the corporation is a member; for that purpose, a certificate issued for the year in relation to another large investment project of the corporation, or for the partnership's fiscal period that ends in the year in relation to a large investment project of the partnership, is deemed, for the purpose of applying subparagraph *b* of the first paragraph of section 737.18.17.5 to that year, to certify that such an election was made by the corporation or the partnership, as the case may be."

(2) Subsection 1 has effect from 21 March 2023.

62. (1) Section 737.18.17.3 of the Act is amended

(1) by replacing the portion of paragraph *a* before subparagraph 1 of subparagraph i by the following:

"(*a*) the following rules must, if applicable, be taken into consideration for the purposes of this Title:

i. where subparagraph *a* of the first paragraph of section 737.18.17.5 applies to the acquirer or to a corporation that is a member of the acquirer and where the prior loss attributable to eligible activities of the acquirer for a taxation year or fiscal period that ends after that time is to be computed, there shall be added to the amount otherwise represented by A in the formula in the definition of "prior loss attributable to eligible activities" in the first paragraph of section 737.18.17.1, unless it is otherwise included in that amount, the portion that is reasonably attributable to the recognized business of the amount by which the aggregate of the following amounts exceeds the amount represented by C or F in the formula in subparagraph i or ii of subparagraph *a* of the first paragraph of section 737.18.17.5, in respect of the vendor for that taxation year or fiscal period:";

(2) by replacing subparagraph ii of paragraph *a* by the following subparagraph:

"ii. where subparagraph *a* of the first paragraph of section 737.18.17.5 applies to the vendor or to a corporation that is a member of the vendor and where the prior loss attributable to eligible activities of the vendor for a taxation year or fiscal period that ends after that time is to be computed, there shall be added to the amount otherwise represented by B in the formula in the definition of "prior loss attributable to eligible activities" in the first paragraph of section 737.18.17.1 the portion of the excess amount determined under subparagraph i, in respect of the acquirer for such a taxation year or fiscal period, or that would be determined under that subparagraph i if it applied to the acquirer;";

(3) by replacing paragraph *b* by the following paragraph:

"(*b*) the following rules must, if applicable, be taken into consideration when determining, for the purposes of subparagraphs *a* and *b* or *d* and *e* of the second paragraph of section 737.18.17.5, the amount referred to in those subparagraphs in relation to the large investment project:

i. where subparagraph *a* of the first paragraph of section 737.18.17.5 applies to the vendor or to a corporation that is a member of the vendor, the vendor's taxation year or fiscal period that includes that time is deemed to end immediately before that time, and

ii. where subparagraph *a* of the first paragraph of section 737.18.17.5 applies to the acquirer or to a corporation that is a member of the acquirer, the acquirer's taxation year or fiscal period that includes that time is deemed to begin at that time; and";

(4) by adding the following paragraph at the end:

"(*c*) the following rules must, if applicable, be taken into consideration for the purposes of subparagraphs *b* and *c* of the third paragraph of section 737.18.17.5.1:

i. where subparagraph *b* of the first paragraph of section 737.18.17.5 applies to the vendor or to a corporation that is a member of the vendor,

(1) the vendor's taxation year or fiscal period that includes the day on which that time occurs is deemed to end at the end of that day, and

(2) the last day of the vendor's tax-free period, in respect of the large investment project, is deemed to correspond to the day that includes that time, and

ii. where subparagraph *b* of the first paragraph of section 737.18.17.5 applies to the acquirer or to a corporation that is a member of the acquirer, the acquirer's taxation year or fiscal period that includes the day on which that time occurs is deemed to begin at the beginning of that day."

(2) Subsection 1 has effect from 21 March 2023.

63. (1) Section 737.18.17.5 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

"A corporation that, in a taxation year, carries on a recognized business in relation to a large investment project or is a member of a partnership that carries on such a recognized business in the partnership's fiscal period ending in that year may, subject to the third paragraph, deduct in computing its taxable income for the year, if a certificate has been issued for the year or fiscal period in relation to the large investment project, an amount not exceeding the portion of its income for the year that may reasonably be considered to be equal, as the case may be,

(*a*) where subparagraph *b* does not apply, to the lesser of the amount determined in accordance with section 737.18.17.6, in respect of the corporation for the year, and the aggregate of

i. the amount determined by the formula

(A – B) – C, and

ii. the aggregate of all amounts each of which is the corporation's share of the amount determined, in respect of such a partnership of which the corporation is a member, by the formula

(D – E) – F; or

(*b*) if the certificate certifies that the corporation or the partnership, as the case may be, has elected to use the alternate computation method provided for in section 737.18.17.5.1, to the lesser of the amount determined in respect of the corporation for the year in accordance with that section and of its adjusted taxable income for that year.";

(2) by replacing subparagraph i of subparagraph *b* of the third paragraph by the following subparagraph:

"i. the financial statements relating to the eligible activities of the corporation or partnership, in relation to the large investment project, for the taxation year or fiscal period, as the case may be, unless it made a computation method election in relation to the project,";

(3) by replacing subparagraph iv of subparagraph *b* of the third paragraph by the following subparagraph:

"iv. where the large investment project is a project of the partnership, a copy of each agreement referred to in section 737.18.17.10 or 737.18.17.10.1 in respect of the partnership's fiscal period that ends in the taxation year or in a preceding taxation year, in relation to the project, unless it has already been filed, and";

(4) by inserting the following paragraph after the third paragraph:

"If a particular corporation that carries out one or more large investment projects has not made a computation method election in respect of any of those projects, a partnership of which it is a member is deemed, for the purpose of applying this section and section 737.18.17.1 to a taxation year of the corporation, not to have made a computation method election in respect of any of its large investment projects and, for that purpose, the certificate issued to the partnership for its fiscal period that ends in the year, in relation to a large investment project, is deemed, for the purposes of subparagraph *b* of the first paragraph, not to certify that the partnership has elected to use the alternate computation method.";

(5) by replacing "subparagraph *b*" in the fourth paragraph by "subparagraph ii of subparagraph *a*".

(2) Subsection 1 has effect from 21 March 2023.

64. (1) The Act is amended by inserting the following section after section 737.18.17.5:

"**737.18.17.5.1.** The amount to which subparagraph *b* of the first paragraph of section 737.18.17.5 refers, in respect of a corporation for a particular taxation year, is equal to the aggregate of the following amounts that is multiplied, where the corporation has an establishment situated outside Québec, by the reciprocal of the proportion that its business carried on in Québec is of the aggregate of its business carried on in Canada or in Québec and elsewhere, as determined under subsection 2 of section 771:

(*a*) 100/11.5 of the lesser of the corporation's maximum tax holiday amount for the particular year in respect of one or more large investment projects of the corporation, or of a partnership of which it is a member, that are referred to in the first paragraph of section 737.18.17.5 and the amount determined in its respect for the year under the fourth paragraph; and

(*b*) 100/3.2 of the amount by which the corporation's maximum tax holiday amount for the particular year in respect of one or more large investment projects of the corporation, or of a partnership of which it is a member, that are referred to in the first paragraph of section 737.18.17.5 exceeds the amount determined in its respect for the year under the fourth paragraph.

For the purposes of this section, a corporation's maximum tax holiday amount for a particular taxation year in respect of one or more large investment projects of the corporation, or of a partnership of which it is a member, is equal to the lesser of

(*a*) the tax that would be determined, in respect of the corporation for the particular year, in accordance with subsection 1 of section 771, if its taxable income for the year were computed without reference to section 737.18.17.5, or, where the corporation has an establishment outside Québec, the result obtained by multiplying that tax by the proportion that its business carried on in Québec is of the aggregate of its business carried on in Canada or in Québec and elsewhere, as determined under subsection 2 of section 771; and

(*b*) the aggregate of all amounts each of which is, for the particular year, in relation to any of those large investment projects,

i. in the case of a large investment project of the corporation, the amount determined by the formula

(A × B/C) – D, or

ii. in the case of a large investment project of a partnership of which the corporation is a member, the amount determined by the formula

[(A × B/C) + E] – D.

In the formulas in the second paragraph,

(*a*) A is

i. where the large investment project is the corporation's project, the unused portion of the corporation's tax assistance limit for the particular year, in relation to the project, that is determined under the fifth paragraph, or

ii. where the large investment project is that of a partnership of which the corporation is a member, the total of

(1) the amount that would be the balance of the corporation's tax assistance limit in relation to the large investment project, determined in accordance with subparagraph *b* of the third paragraph of section 737.18.17.6, for its first taxation year in which a fiscal period of the partnership in respect of which the computation method election in relation to the project applies ends, if the partnership had not made that election, and

(2) if the computation method election applicable to the partnership's fiscal period that ends in the particular year is deemed to have been made by the partnership under the fifth paragraph of section 737.18.17.1 and the particular year is not the year referred to in subparagraph 1, the aggregate of all amounts each of which is either the amount that was allocated to the corporation for the particular year, or for a preceding taxation year (other than the year referred to in subparagraph 1) in which a fiscal period of the partnership to which the computation method election applies ends, pursuant to the agreement referred to in section 737.18.17.10, in relation to the large investment project, in respect of the partnership's fiscal period that ends in that year, or zero if, in respect of that fiscal period, no such agreement has been entered into in relation to the project;

(*b*) B is the number of days in the period that begins on the first day of the corporation's first taxation year, or of the partnership's first fiscal period, to which the computation method election applies, in relation to the large investment project, or, if it is later, on the date of the beginning of the tax-free period in respect of the project, and that ends on the earlier of

i. the last day of the particular taxation year or of the partnership's fiscal period that ends in the particular year, or

ii. the last day of the tax-free period in respect of the large investment project;

(*c*) C is the number of days in the period that begins on the first day of the corporation's first taxation year, or of the partnership's first fiscal period, to

which the computation method election applies, in relation to the large investment project, or, if it is later, on the date of the beginning of the tax-free period in respect of the project, and that ends on the last day of the tax-free period in respect of the project;

(*d*) D is the cumulative value of the corporation's tax assistance for the particular taxation year, in respect of the large investment project, that is determined under the sixth paragraph; and

(*e*) E is the aggregate of all amounts each of which is either the amount that was allocated to the corporation, for the particular year or a preceding taxation year, pursuant to the agreement referred to in section 737.18.17.10.1, in relation to the partnership's large investment project, in respect of the partnership's fiscal period that ends in that year, or zero if, in respect of that fiscal period, no such agreement has been entered into in relation to the project.

The amount to which subparagraphs *a* and *b* of the first paragraph refer for a particular taxation year is equal to

(*a*) the amount by which the tax that would be determined, in respect of the corporation for the particular year, in accordance with subsection 1 of section 771, if its taxable income for the year were computed without reference to section 737.18.17.5, exceeds 3.2% of the amount that would be determined in respect of the corporation for the particular year under section 771.2.1.2 if, for the purposes of paragraph *b* of that section, its taxable income for the year were computed without reference to section 737.18.17.5; or

(*b*) where the corporation has an establishment situated outside Québec for the particular year, the product obtained by multiplying the excess amount determined under subparagraph *a* by the proportion that its business carried on in Québec is of the aggregate of its business carried on in Canada or in Québec and elsewhere, as determined under subsection 2 of section 771 for that year.

The unused portion of a corporation's tax assistance limit for a particular taxation year, in relation to a large investment project, is, subject to the eighth paragraph, either the amount (in this paragraph referred to as the "particular amount") that would be the balance of the corporation's tax assistance limit in respect of the large investment project, determined in accordance with subparagraph *a* of the third paragraph of section 737.18.17.6, for its first taxation year to which the computation method election in relation to the project applies (in this paragraph referred to as the "first taxation year"), if the corporation had not made such an election and subparagraph ii of that subparagraph *a* were read without reference to "the particular taxation year or", or, in the case of a deemed large investment project within the meaning of section 737.18.17.1.1, where the first taxation year is not later than the taxation year that includes the date of the beginning of the tax-free period in respect of the second large investment project and where the particular year is not that first year and is referred to in subparagraph *a* or *b*, whichever of the following amounts is applicable:

(*a*) where the particular year begins before the date of the beginning of the tax-free period in respect of the second large investment project and ends on that date or later, the total of the particular amount and the amount determined by the formula

F × G; or

(*b*) where the particular year begins on the date of the beginning of the tax-free period in respect of the second large investment project or later, the total of the particular amount and the corporation's tax assistance limit in relation to that second large project.

The cumulative value of a corporation's tax assistance, for a particular taxation year, in respect of a large investment project, is equal to

(*a*) in the case of a large investment project of the corporation, the aggregate of

i. the aggregate of all amounts each of which is, in respect of the large investment project, for a preceding taxation year to which the computation method election in relation to the project applies, equal to the amount determined by the formula

H × I × J,

ii. the aggregate of all amounts each of which is, in respect of the large investment project, for the particular year or a preceding taxation year to which the computation method election in relation to the project applies, equal to the amount determined by the formula

K × L,

iii. where, at any time in the particular taxation year, the corporation transfers its recognized business in relation to the large investment project to another corporation or a partnership, the amount that was transferred to the other corporation or the partnership pursuant to the agreement referred to in section 737.18.17.12 in respect of the transfer, and

iv. in the case of a deemed large investment project within the meaning of section 737.18.17.1.1, either of the following amounts, if any:

(1) where the particular taxation year includes the last day of the tax-free period in respect of the first large investment project and ends after that day, the amount determined by the formula

M – [(M × N) + (F × O)], or

(2) where the particular taxation year is subsequent to the year that includes the last day of the tax-free period in respect of the first large investment project, the amount determined by the formula

M – F; or

(*b*) in the case of a large investment project of a partnership of which the corporation is a member, the aggregate of all amounts each of which is, in respect of the project, for a preceding taxation year to which the computation method election applies, equal to the amount determined by the formula

H × I × J.

In the formulas in the fifth and sixth paragraphs,

(*a*) F is the corporation's tax assistance limit in relation to the second large investment project;

(*b*) G is the proportion that the number of days in the part of the particular year that begins on the date of the beginning of the tax-free period in respect of the second large investment project is of the number of days in that year;

(*c*) H is 1, unless the corporation has an establishment situated outside Québec for the preceding taxation year, in which case it is the proportion that its business carried on in Québec is of the aggregate of its business carried on in Canada or in Québec and elsewhere, as determined under subsection 2 of section 771 for the preceding year;

(*d*) I is the aggregate of

i. 3.2% of the amount by which the amount that would be determined in respect of the corporation for the preceding taxation year under section 771.2.1.2 if, for the purposes of paragraph *b* of that section, its taxable income for the preceding year were computed without reference to section 737.18.17.5, exceeds the amount that is determined in its respect for that year under section 771.2.1.2, and

ii. 11.5% of the amount by which the amount deducted by the corporation in computing its taxable income for the preceding year under section 737.18.17.5 exceeds the excess amount determined under subparagraph i;

(*e*) J is the proportion that the corporation's maximum annual tax exemption amount for the preceding taxation year, in relation to the large investment project, is of the aggregate of all amounts each of which is the corporation's maximum annual tax exemption amount for the preceding year, in relation to a large investment project of the corporation or of a partnership of which it is a member, that is referred to in the first paragraph of section 737.18.17.5 for that year;

(*f*) K is the aggregate of the amounts that are not payable by the corporation for the taxation year under subparagraph ii of subparagraph *d*.1 of the sixth paragraph of section 34 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);

(*g*) L is the proportion that the corporation's maximum annual contribution exemption amount for the taxation year, in relation to the large investment project, is of the aggregate of all amounts each of which is the corporation's maximum annual contribution exemption amount for the year, in relation to a large investment project of the corporation that is referred to in subparagraph *d*.1 of the sixth paragraph of section 34 of the Act respecting the Régie de l'assurance maladie du Québec for that year;

(*h*) M is

i. where the particular taxation year is referred to in subparagraph 1 of subparagraph iv of subparagraph *a* of the sixth paragraph, the amount by which the unused portion of the corporation's tax assistance limit, in relation to the deemed large investment project, for the particular year, exceeds the cumulative value of the corporation's tax assistance for that year in respect of the project, determined without reference to that subparagraph 1, or

ii. where the particular taxation year is referred to in subparagraph 2 of subparagraph iv of subparagraph *a* of the sixth paragraph, the amount by which the unused portion of the corporation's tax assistance limit, in relation to the deemed large investment project, for the first taxation year that follows the year that includes the last day of the tax-free period in respect of the first large investment project, exceeds the cumulative value of the corporation's tax assistance for that first year in respect of the project, determined without reference to that subparagraph 2;

(*i*) N is the proportion that the number of days in the part of the particular year that ends on the last day of the tax-free period in respect of the first large investment project is of the number of days in that year; and

(*j*) O is the proportion that the number of days in the particular year that follow the last day of the tax-free period in respect of the first large investment project is of the number of days in that year.

Where the first taxation year to which the computation method election applies, in relation to a large investment project of a corporation, ends before the date of the end of the start-up period of the large investment project, the unused portion of the corporation's tax assistance limit, in relation to the project, must be increased, for a particular taxation year that is subsequent to that first year, by the amount that is the product obtained by multiplying by 15% the amount that would be the corporation's total qualified capital investments on the date of the end of the start-up period or, if it is earlier, the date of the end of the particular year, if the definition of "total qualified capital investments" in the first paragraph of section 737.18.17.1 were read as if "from the beginning

of the carrying out of the large investment project" were replaced by "from the time that immediately follows the end of the corporation's first taxation year to which the computation method election applies".

For the purpose of applying subparagraphs *b* and *c* of the third paragraph to a deemed large investment project within the meaning of section 737.18.17.1.1, the following rules must be taken into consideration:

(*a*) the date of the beginning of the tax-free period that is referred to in those subparagraphs is the date that is determined in respect of the first large investment project; and

(*b*) the last day of the tax-free period that is referred to in those subparagraphs is the day that is determined in respect of the second large investment project, unless the particular year precedes the year for which a first certificate has been issued in relation to the project, in which case it is the day that is determined in respect of the first large investment project."

(2) Subsection 1 has effect from 21 March 2023.

65. (1) Section 737.18.17.6 of the Act is amended

(1) by replacing "the first paragraph" in the portion before subparagraph *a* of the first paragraph by "subparagraph *a* of the first paragraph";

(2) by replacing subparagraphs *a* and *b* of the first paragraph by the following subparagraphs:

"(*a*) the product obtained by multiplying the proportion that is the reciprocal of the basic rate determined for the year in respect of the corporation under section 771.0.2.3.1 by the lesser of

i. the aggregate of all amounts each of which is the corporation's tax exemption amount for the year in respect of a large investment project of the corporation, or of a partnership of which it is a member, that is referred to in the first paragraph of section 737.18.17.5, and

ii. the amount that is determined in its respect for the year under subparagraph ii of subparagraph *d* of the fifth paragraph, or, where the corporation has an establishment situated outside Québec, the product obtained by multiplying that amount by the proportion that its business carried on in Québec is of the aggregate of its business carried on in Canada or in Québec and elsewhere, as determined under subsection 2 of section 771; and

"(*b*) the product obtained by multiplying the proportion that is the reciprocal of the rate determined in respect of the corporation for the year in accordance with the sixth paragraph by the amount by which the aggregate of all amounts each of which is the corporation's tax exemption amount for the year in respect of a large investment project of the corporation, or of a partnership of which

it is a member, that is referred to in the first paragraph of section 737.18.17.5 exceeds

i. the amount that is determined in its respect for the year under subparagraph ii of subparagraph *d* of the fifth paragraph, or

ii. where the corporation has an establishment situated outside Québec, the product obtained by multiplying the amount described in subparagraph i by the proportion that its business carried on in Québec is of the aggregate of its business carried on in Canada or in Québec and elsewhere, as determined under subsection 2 of section 771.";

(3) by replacing subparagraphs i and ii of subparagraph *e* of the fifth paragraph by the following subparagraphs:

"i. in the case of a large investment project of the corporation, the proportion that the amount that A would be in the formula in subparagraph i of subparagraph *a* of the first paragraph of section 737.18.17.5, for the taxation year, in respect of the corporation, if the corporation's income referred to in subparagraph *a* of the second paragraph of that section were derived only from its eligible activities, in relation to the large investment project, is of the total of the amount that A is for the year, in respect of the corporation, and the aggregate of all amounts each of which is the corporation's share of the amount that D is in the formula in subparagraph ii of subparagraph *a* of that first paragraph for the fiscal period of a partnership of which the corporation is a member that ends in the year, or

"ii. in the case of a large investment project of a partnership of which the corporation is a member, the proportion that the corporation's share of the amount that D would be in the formula in subparagraph ii of subparagraph *a* of the first paragraph of section 737.18.17.5, for the partnership's fiscal period that ends in the taxation year, if the partnership's income referred to in subparagraph *d* of the second paragraph of that section were derived only from its eligible activities, in relation to the large investment project, is of the total of the amount that A is in the formula in subparagraph i of subparagraph *a* of that first paragraph for the year, in respect of the corporation, and the aggregate of all amounts each of which is the corporation's share of the amount that D is for the fiscal period of a partnership of which the corporation is a member that ends in the year;".

(2) Subsection 1 has effect from 21 March 2023.

66. (1) Section 737.18.17.9 of the Act is amended by adding the following paragraph at the end:

"Where the presumption provided for in the fourth paragraph of section 737.18.17.5 applies in respect of the partnership for a fiscal period of the partnership that ends in the particular taxation year or in a preceding taxation

year, the amount that was allocated to the corporation for that year, pursuant to the agreement referred to in section 737.18.17.10.1 in respect of that fiscal period, in relation to the large investment project, is deemed, for the purposes of subparagraph *a* of the first paragraph, to have been allocated in accordance with section 737.18.17.10."

(2) Subsection 1 has effect from 21 March 2023.

67. (1) Section 737.18.17.10 of the Act is amended by inserting "the first paragraph of" after "The agreement to which" in the portion before subparagraph *a* of the first paragraph.

(2) Subsection 1 has effect from 21 March 2023.

68. (1) The Act is amended by inserting the following section after section 737.18.17.10:

"**737.18.17.10.1.** The agreement to which subparagraph *e* of the third paragraph of section 737.18.17.5.1 refers in respect of a particular fiscal period of a partnership, in relation to a large investment project of the partnership, is the agreement under which the partnership and all its members agree on an amount in respect of the partnership's maximum annual tax assistance amount, for that fiscal period, in relation to the large investment project, for the purpose of allocating to each corporation that is a member of the partnership, for its taxation year in which the particular fiscal period ends, its share of the agreed amount, which amount must not be greater than that maximum amount.

A partnership's maximum annual tax assistance amount, for a particular fiscal period of the partnership, in relation to a large investment project, is the amount that would be determined for that fiscal period in respect of the large investment project using the formula in the second paragraph of section 34.1.0.3.1 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), if subparagraph ii of subparagraph *b* of the fifth paragraph of that section were read without reference to "the particular fiscal period or".

The share of a corporation that is a member of the partnership of the amount agreed on pursuant to an agreement referred to in the first paragraph, in respect of a fiscal period, is the agreed proportion of that amount in respect of the corporation for the partnership's fiscal period."

(2) Subsection 1 has effect from 21 March 2023.

69. (1) Section 737.18.17.11 of the Act is replaced by the following section:

"**737.18.17.11.** Where the amount agreed on, in respect of a particular fiscal period of a partnership, in relation to a large investment project, pursuant to an agreement referred to in section 737.18.17.10 or 737.18.17.10.1, is greater than the excess amount referred to in the first paragraph of section 737.18.17.10 or the maximum annual tax assistance amount referred to in the first paragraph

of section 737.18.17.10.1, the agreed amount is, for the purposes of this Title and section 34.1.0.3 or 34.1.0.3.1 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), as the case may be, deemed to be equal to that excess amount or maximum amount."

(2) Subsection 1 has effect from 21 March 2023.

70. (1) Section 737.18.17.12 of the Act is amended

(1) by striking out ", as the case may be," in the portion before subparagraph *a* of the first paragraph;

(2) by inserting "in relation to the large investment project," after "preceding taxation year," in the portion of subparagraph i of subparagraph *a* of the first paragraph before the formula;

(3) by replacing subparagraph ii of subparagraph *a* of the first paragraph by the following subparagraph:

"ii. the aggregate of all amounts each of which is either the vendor's contribution exemption amount, for a preceding taxation year, in respect of the large investment project, determined in accordance with the second paragraph of section 34.1.0.3 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), or, for a preceding taxation year to which the computation method election in relation to the project applies, the amount determined by the formula

H × I; or";

(4) by replacing subparagraphs i and ii of subparagraph *b* of the first paragraph by the following subparagraphs:

"i. the aggregate of all amounts each of which is the amount agreed on, in respect of a preceding fiscal period of the vendor, in relation to the large investment project, pursuant to an agreement referred to in section 737.18.17.10 or 737.18.17.10.1 in respect of that fiscal period, and

"ii. the aggregate of all amounts each of which is either the vendor's contribution exemption amount, for a preceding fiscal period, in respect of the large investment project, determined in accordance with the second paragraph of section 34.1.0.3 of the Act respecting the Régie de l'assurance maladie du Québec, or, for a preceding fiscal period to which the computation method election in relation to the project applies, the amount determined by the formula

H × I.";

(5) by replacing subparagraph *c* of the fourth paragraph by the following subparagraph:

"(*c*) C is

i. where the computation method election in relation to the large investment project does not apply to the preceding year, the proportion that the vendor's tax exemption amount for the preceding year in respect of the project, determined in accordance with the second paragraph of section 737.18.17.6, is of the aggregate of all amounts each of which is the vendor's tax exemption amount for the preceding year, determined in accordance with that second paragraph, in respect of a large investment project of the vendor, or of a partnership of which it is a member, that is referred to in the first paragraph of section 737.18.17.5 for that year, or

ii. where the computation method election in relation to the large investment project applies to the preceding year, the proportion that the vendor's maximum annual tax exemption amount for the preceding year, in relation to the large investment project, is of the aggregate of all amounts each of which is the vendor's maximum annual tax exemption amount for the preceding year, in relation to a large investment project of the vendor, or of a partnership of which it is a member, that is referred to in the first paragraph of section 737.18.17.5 for that year;";

(6) by adding the following subparagraphs at the end of the fourth paragraph:

"(*h*) H is the aggregate of the amounts that are not payable by the vendor, for the preceding taxation year or fiscal period, under subparagraph ii of subparagraph *d*.1 of the sixth paragraph of section 34 of the Act respecting the Régie de l'assurance maladie du Québec; and

"(*i*) I is the proportion that the vendor's maximum annual contribution exemption amount for the preceding taxation year or fiscal period, in relation to the large investment project, is of the aggregate of all amounts each of which is the vendor's maximum annual contribution exemption amount for the preceding year or fiscal period, in relation to a large investment project of the vendor that is referred to in subparagraph *d*.1 of the sixth paragraph of section 34 of the Act respecting the Régie de l'assurance maladie du Québec for that year or fiscal period."

(2) Subsection 1 has effect from 21 March 2023.

71. (1) The Act is amended by inserting the following Title after section 737.18.17.13:

"**TITLE VII.2.3.2**

"NEW DEDUCTION RELATING TO THE CARRYING OUT OF A LARGE INVESTMENT PROJECT

"**CHAPTER I**

"INTERPRETATION AND GENERAL RULES

"**737.18.17.14.** In this Title,

"certificate" for a taxation year of a corporation or a fiscal period of a partnership, in relation to a large investment project, means the certificate that, for the purposes of this Title, is issued by the Minister of Finance, in relation to the large investment project, for the corporation's taxation year or the partnership's fiscal period, as the case may be;

"cumulative total eligible expenses" of a corporation at the end of a particular taxation year or of a partnership at the end of a particular fiscal period, in relation to a large investment project, means the lesser of $1,000,000,000 and the amount determined by the formula

(A + B) − (C + D);

"date of the beginning of the tax-free period" in respect of a large investment project of a corporation or a partnership means the date that is specified as such in the first certificate, in relation to the large investment project, or in the qualification certificate issued to the corporation or partnership, in relation to the project, where it acquired all or substantially all of the activities arising from the carrying out of the large investment project and where the Minister of Finance authorized the transfer of those activities to the corporation or partnership, according to the qualification certificate;

"excluded corporation" for a taxation year means a corporation that meets any of the following conditions:

(*a*) it is exempt from tax for the year under Book VIII;

(*b*) it would be exempt from tax for the year under section 985, but for section 192; or

(*c*) more than 25% of its gross revenue for the year derives from activities carried on in one or more excluded sectors of activities;

"excluded expense" of a corporation or a partnership means

(*a*) an expense incurred with a person with which the corporation or a corporation that is a member of the partnership is not dealing at arm's length;

(*b*) financing expenses, including borrowing costs; or

(*c*) the salaries or wages incurred in respect of the employees of the corporation or partnership and the consideration incurred in respect of services rendered to the corporation or partnership, other than salaries, wages or consideration related to the installation of a property;

"excluded partnership" for a fiscal period means a partnership more than 25% of whose gross revenue for the fiscal period derives from activities carried on in one or more excluded sectors of activities;

"excluded sector of activities" means any of the sectors of activities described in section 10.10 of Schedule E to the Act respecting the sectoral parameters of certain fiscal measures (chapter P-5.1);

"investment period" in respect of a large investment project of a corporation or a partnership means the 48-month period that begins on the date that is specified as such in the qualification certificate issued to the corporation or partnership in relation to the large investment project;

"large investment project" of a corporation or a partnership means an investment project in respect of which a qualification certificate has been issued to the corporation or partnership, as the case may be, by the Minister of Finance, for the purposes of this Title;

"last day of the tax-free period" in respect of a large investment project means the last day of the 10-year period that begins on the date of the beginning of the tax-free period in respect of the project;

"maximum annual contribution exemption amount" of a corporation or a partnership for a taxation year or fiscal period, in relation to a large investment project, means the amount determined, for the year or fiscal period, as the case may be, in respect of the large investment project, by the formula in the second paragraph of section 34.1.0.5 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);

"maximum annual tax exemption amount" of a corporation for a taxation year, in relation to a large investment project, means the amount determined for the year, in respect of the large investment project, by the formula in subparagraph i of subparagraph *b* of the first paragraph of section 737.18.17.18, where the project is the corporation's project, or in subparagraph ii of that subparagraph *b*, where the project is that of a partnership of which the corporation is a member at the end of the partnership's fiscal period that ends in that year;

"qualified corporation" for a taxation year means a corporation (other than an excluded corporation for the year) that, in the year, carries on a business in Québec and has an establishment in Québec;

"qualified partnership" for a fiscal period means a partnership (other than an excluded partnership for the fiscal period) that, in the fiscal period, carries on a business in Québec and has an establishment in Québec;

"qualified property" of a corporation or a partnership, in respect of a large investment project, means a property that

(*a*) is included in any of the classes of Schedule B to the Regulation respecting the Taxation Act (chapter I-3, r. 1);

(*b*) is acquired by the corporation or partnership to be used mainly in Québec in the course of carrying out the large investment project;

(*c*) was not, before its acquisition by the corporation or partnership, used for any purpose or acquired to be used or leased for any purpose whatsoever; and

(*d*) is not acquired in substitution for a property in respect of which an expense is included in the total eligible expenses in relation to the large investment project;

"tax-free period" of a corporation or a partnership, for a taxation year or a fiscal period, in relation to a large investment project, means the part of the taxation year or fiscal period that is both covered by a certificate issued to the corporation or partnership in respect of the large investment project and included in the 10-year period that begins on the date of the beginning of the tax-free period in respect of the project or, where the corporation or partnership acquired all or substantially all of the activities arising from the carrying out of the large investment project and the Minister of Finance authorized the transfer of those activities to the corporation or partnership, according to the qualification certificate issued to the corporation or partnership, in relation to the project, in the part of that 10-year period that begins on the date of acquisition;

"territory with high economic vitality" means a municipality mentioned in Schedule I to the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or Schedule A to the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);

"territory with intermediate economic vitality" means a territory situated in Québec that is neither a territory with high economic vitality nor a territory with low economic vitality;

"territory with low economic vitality" means

(*a*) one of the following regional county municipalities, subject to the third paragraph:

i. Municipalité régionale de comté d'Antoine-Labelle,

ii. Municipalité régionale de comté d'Avignon,

iii. Municipalité régionale de comté de Bonaventure,

iv. Municipalité régionale de comté de Charlevoix-Est,

v. Municipalité régionale de comté de La Haute-Côte-Nord,

vi. Municipalité régionale de comté de La Haute-Gaspésie,

vii. Municipalité régionale de comté de La Matanie,

viii. Municipalité régionale de comté de La Matapédia,

ix. Municipalité régionale de comté de La Mitis,

x. Municipalité régionale de comté de La Vallée-de-la-Gatineau,

xi. Municipalité régionale de comté de Maria-Chapdelaine,

xii. Municipalité régionale de comté de Maskinongé,

xiii. Municipalité régionale de comté de Mékinac,

xiv. Municipalité régionale de comté de Papineau,

xv. Municipalité régionale de comté de Pontiac,

xvi. Municipalité régionale de comté de Témiscamingue,

xvii. Municipalité régionale de comté de Témiscouata,

xviii. Municipalité régionale de comté des Appalaches,

xix. Municipalité régionale de comté des Basques,

xx. Municipalité régionale de comté des Etchemins,

xxi. Municipalité régionale de comté des Sources,

xxii. Municipalité régionale de comté du Domaine-du-Roy,

xxiii. Municipalité régionale de comté du Golfe-du-Saint-Laurent, or

xxiv. Municipalité régionale de comté du Rocher-Percé;

(*b*) the urban agglomeration of La Tuque, as described in section 8 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001); or

(*c*) Ville de Shawinigan;

"total eligible expenses" at a particular time, of a corporation or a partnership, in relation to a large investment project, means the aggregate of all amounts each of which is an expense (other than an excluded expense) incurred by the corporation or partnership before that time for the acquisition, in the investment period in respect of the large investment project, of a qualified property in respect of the project, to the extent that the expense is included in the capital cost of the property for a taxation year or a fiscal period, as the case may be, that ends at or before that time and to the extent that it is paid at or before that time.

In the formula in the definition of "cumulative total eligible expenses" in the first paragraph,

(*a*) A is the total eligible expenses of the corporation or partnership at the end of the particular taxation year or particular fiscal period, as the case may be, in relation to the large investment project;

(*b*) B is the aggregate of all amounts each of which is government assistance or non-government assistance, within the meaning assigned to those expressions by the first paragraph of section 1029.6.0.0.1, that, because of D in the formula, reduced the cumulative total eligible expenses of the corporation for a preceding taxation year or of the partnership for a preceding fiscal period, in relation to the large investment project, and that is repaid, pursuant to a legal obligation, at or before the end of the particular taxation year or particular fiscal period, as the case may be;

(*c*) C is the aggregate of all amounts each of which is the greater of the consideration received following the disposition of a qualified property, in respect of the large investment project, before the end of the 730-day period that follows the beginning of its use by the corporation or partnership and of the fair market value of the qualified property at the time of the disposition, unless the disposition results from the loss of the property, of the involuntary destruction of the property by fire, theft or water, or of a major breakdown of the property; and

(*d*) D is the aggregate of all amounts each of which is government assistance or non-government assistance, within the meaning assigned to those expressions by the first paragraph of section 1029.6.0.0.1, that the corporation or partnership has received, is entitled to receive or may reasonably expect to receive and that is attributable to an expense included in the total eligible expenses referred to in subparagraph *a*.

Where this Title applies in respect of the tax-free period of a corporation or a partnership, in relation to a large investment project, that begins, as the case may be,

(*a*) before 1 April 2023, paragraph *a* of the definition of "territory with low economic vitality" in the first paragraph is to be read without reference to subparagraphs xvi and xviii; or

(*b*) before 1 July 2025, paragraph *a* of the definition of "territory with low economic vitality" in the first paragraph is to be read as if

i. the following subparagraph were inserted after subparagraph i:

"i.1. Municipalité régionale de comté d'Argenteuil,", and

ii. the following subparagraph were inserted after subparagraph xii:

"xii.1. Municipalité régionale de comté de Matawinie,".

For the purposes of subparagraph *b* of the second paragraph, an amount of assistance is deemed to be repaid at a particular time by a corporation or a partnership, as the case may be, pursuant to a legal obligation, if that amount

(*a*) reduced, because of D in the formula in the definition of "cumulative total eligible expenses" in the first paragraph, the cumulative total eligible expenses of the corporation for a taxation year or of the partnership for a fiscal period;

(*b*) was not received by the corporation or partnership; and

(*c*) ceased at the particular time to be an amount that the corporation or partnership could reasonably expect to receive.

"**737.18.17.15.** Where, at any time, a corporation or a partnership (in this section referred to as the "acquirer") acquired from another corporation or partnership (in this section referred to as the "vendor") all or substantially all of the activities arising from the carrying out of a large investment project and the Minister of Finance previously authorized the transfer of those activities to the acquirer, according to a qualification certificate issued by that Minister to the acquirer in respect of the project, the following rules must be taken into consideration, as the case may be:

(*a*) for the purposes of subparagraph *a* of the first paragraph of section 737.18.17.16, if applicable,

i. where the vendor and the acquirer are corporations, the vendor's non-capital loss for a taxation year ending before that time that is deductible in computing the vendor's adjusted taxable income for its taxation year including that time is deemed, according to the proportion provided for in the second paragraph, to be a non-capital loss of the acquirer,

ii. where the vendor is a partnership and the acquirer is a corporation, the non-capital loss that, if throughout its existence the vendor were a corporation whose taxation year corresponded to its fiscal period, would be determined in its respect for a taxation year that ends before that time and would be deductible in computing the vendor's adjusted taxable income for its taxation year that includes that time is deemed, according to the proportion provided for in the second paragraph and subject to the third paragraph, to be a non-capital loss of the acquirer, or

iii. the vendor's non-capital loss referred to in subparagraph i or ii is deemed to be reduced, for the vendor's taxation year or fiscal period that includes that time, by the amount determined under subparagraph i or ii, as the case may be, in respect of that loss, for the purpose of computing the vendor's adjusted taxable income for a taxation year that ends after that time, where the vendor is a corporation, and for the purpose of applying subparagraph ii in relation to a subsequent transfer of another large investment project of the vendor, where the vendor is a partnership;

(*b*) for the purposes of subparagraph *b* of the first paragraph of section 737.18.17.16, if applicable,

i. where the vendor is a corporation and the acquirer is a partnership, the vendor's non-capital loss for a taxation year ending before that time that is deductible in computing the vendor's adjusted taxable income for its taxation year including that time is deemed, according to the proportion provided for in the second paragraph, to be a non-capital loss of the acquirer (in subparagraph iii of subparagraph *b* of the first paragraph of section 737.18.17.16 referred to as the "deemed non-capital loss"),

ii. where the vendor and the acquirer are partnerships, the non-capital loss that, if throughout its existence the vendor were a corporation whose taxation year corresponded to its fiscal period, would be determined in its respect for a taxation year that ends before that time and would be deductible in computing the vendor's adjusted taxable income for its taxation year that includes that time is deemed, according to the proportion provided for in the second paragraph and subject to the third paragraph, to be a non-capital loss of the acquirer (in subparagraph iii of subparagraph *b* of the first paragraph of section 737.18.17.16 referred to as the "deemed non-capital loss"), or

iii. the vendor's non-capital loss referred to in subparagraph i or ii is deemed to be reduced, for the vendor's taxation year or fiscal period that includes that time, by the amount determined under subparagraph i or ii, as the case may be, in respect of that loss, for the purpose of computing the vendor's adjusted taxable income for a taxation year that ends after that time, where the vendor is a corporation, and for the purpose of applying subparagraph ii in relation to a subsequent transfer of another large investment project of the vendor, where the vendor is a partnership; or

(*c*) for the purposes of subparagraphs *b* and *c* of the second paragraph of section 737.18.17.18,

i. the vendor's taxation year or fiscal period that includes the day on which the time occurs is deemed to end at the end of that day,

ii. the vendor's last day of the tax-free period, in relation to the large investment project, is deemed to correspond to the day that includes that time,

iii. the acquirer's taxation year or fiscal period that includes the day on which the time occurs is deemed to begin at the beginning of that day, and

iv. the date of the beginning of the acquirer's tax-free period, in relation to the large investment project, is deemed to correspond to the date of the day that includes that time.

The proportion to which the first paragraph refers is the result obtained by multiplying the proportion that the amount transferred to the acquirer pursuant to the agreement referred to in the first paragraph of section 737.18.17.21 is

of the excess amount determined under that first paragraph by the proportion that the amount determined under the second paragraph of section 737.18.17.21, in respect of the large investment project the activities of which are transferred (in this paragraph referred to as the "particular amount"), is of the aggregate of all amounts each of which is either the particular amount or the amount that would be determined under that second paragraph in respect of another large investment project of the vendor if it were transferred to the acquirer at the time referred to in the first paragraph, unless the vendor carries out only one large investment project, in which case the latter proportion is equal to 1.

For the purposes of subparagraph ii of subparagraphs *a* and *b* of the first paragraph, the non-capital loss referred to in that subparagraph ii does not include any portion of the loss that—for a taxation year of a corporation, member of the vendor at the time referred to in the first paragraph, that ends in a fiscal period of the vendor that ends before that time—reduced the corporation's adjusted taxable income.

This section also applies to the transfer of a large investment project, within the meaning of the first paragraph of section 737.18.17.1, in relation to which the vendor has made a computation method election within the meaning of that first paragraph.

"**737.18.17.16.** For the purposes of this Title, the following rules apply:

(*a*) except where the third paragraph applies, a corporation's adjusted taxable income for a particular taxation year is equal to the amount that would be its taxable income for that year if it were determined without reference to this Title and subparagraph *b* of the first paragraph of section 737.18.17.5 and if the following rules applied:

i. the adjusted income of a partnership of which the corporation is a member at the end of the partnership's fiscal period that ends in the particular year and that holds a certificate, in relation to a large investment project, for the fiscal period is the partnership's income for that fiscal period, and

ii. the corporation's share of the incomes or losses of a partnership of which the corporation is a member at the end of the partnership's fiscal period that ends in the particular year but that does not hold such a certificate for that fiscal period is equal to zero,

iii. the corporation's income is computed without taking into account

(1) the amount by which the corporation's taxable capital gains exceed its allowable capital losses,

(2) the amount by which the aggregate of the corporation's incomes that are attributable to a source that is a property exceeds the aggregate of its losses attributable to that source, and

(3) the portion of the aggregate of its losses referred to in subparagraph 2 that reduced the aggregate of the corporation's incomes referred to in that subparagraph, and

iv. the corporation deducts, in computing its income or taxable income for the particular year and for any preceding taxation year, the maximum amount in respect of any reserve, allowance or other amount; and

(*b*) a partnership's adjusted income for a particular fiscal period is equal to the amount that would be its income for that fiscal period if the following rules applied:

i. the income is computed without taking into account

(1) the amount by which the partnership's taxable capital gains exceed its allowable capital losses,

(2) the amount by which the aggregate of the partnership's incomes that are attributable to a source that is a property exceeds the aggregate of its losses attributable to that source, and

(3) the portion of the aggregate of its losses referred to in subparagraph 2 that reduced the aggregate of the partnership's incomes referred to in that subparagraph,

ii. the income is computed taking into consideration that the partnership deducts, in computing its income for the particular fiscal period or for any preceding fiscal period, the maximum amount in respect of any reserve, allowance or other amount, and

iii. where the partnership is the acquirer referred to in section 737.18.17.15 of a large investment project, Title VII applies for the purpose of determining the amount that is deductible as a deemed non-capital loss of the acquirer, within the meaning of subparagraph *b* of the first paragraph of that section, in computing the partnership's adjusted income for a fiscal period that ends after the transfer time as if

(1) the partnership were a corporation whose taxation year corresponds to its fiscal period, and

(2) the partnership's adjusted income otherwise determined for any subsequent fiscal period were its adjusted taxable income for that year.

For the purposes of the first paragraph, the undepreciated capital cost of depreciable property of a prescribed class to the corporation or partnership, on the date of the beginning of the tax-free period in respect of a large investment project of the corporation or partnership that occurs first, is deemed, except to the extent that it may reasonably be considered that the second paragraph of section 737.18.17.2 applied previously in respect of that class, to include the amount that is the amount by which the total depreciation, within the meaning

of subparagraph *b* of the first paragraph of section 93, allowed to the corporation or partnership, as the case may be, before that date, in respect of the property of that class, exceeds the aggregate of all amounts each of which is an amount that the corporation or partnership has included, under section 94, in respect of the property of that class, in computing its income for a taxation year or fiscal period that ended before that date.

Where no qualification certificate has been issued to the corporation by the Minister of Finance in relation to a large investment project at the end of the particular taxation year, but the corporation is a member of a qualified partnership that holds a certificate, in relation to such a project, for its fiscal period that ends in that particular year, the corporation's adjusted taxable income for the particular year is equal to the amount that would be its taxable income for that particular year if the following rules were taken into account:

(*a*) the taxable income is determined without reference to this Title and subparagraph *b* of the first paragraph of section 737.18.17.5 and as if the adjusted income of such a partnership for its fiscal period that ends in the particular year were its income for that fiscal period and as if the only incomes and losses of the corporation for the particular year were its share of the incomes and losses of such a partnership for such a fiscal period; and

(*b*) the taxable income, determined after applying subparagraph *a,* is reduced for the particular year by the aggregate of all amounts each of which would be a non-capital loss of the corporation for a preceding taxation year that would be deductible in computing its taxable income for the particular year if the only incomes or losses of the corporation for the preceding year were its share of the incomes and losses of such a partnership that are taken into account in computing its income for its fiscal period that ends in that preceding year and if the corporation had deducted, in computing its taxable income for another taxation year preceding the particular year, computed in accordance with this paragraph, the maximum amount deductible in respect of that loss.

For the purpose of applying paragraph *f* of section 600 in computing the adjusted taxable income of a corporation that is a member of a partnership, the aggregate of all of the partnership's incomes each of which is from a source that is a business, for a fiscal period of the partnership, must, if applicable, be reduced by the deemed non-capital losses referred to in subparagraph iii of subparagraph *b* of the first paragraph that, for that fiscal period, were deducted from the partnership's adjusted income.

For the purposes of this section, the following rules must be taken into consideration:

(*a*) a large investment project includes a large investment project in respect of which a computation method election within the meaning of Title VII.2.3.1 has been made; and

(*b*) the share of a member of a partnership of an amount for a fiscal period is equal to the agreed proportion, in respect of the member for that fiscal period, of that amount.

"**CHAPTER II**

"DEDUCTION

"**737.18.17.17.** A qualified corporation that, in a particular taxation year, carries on activities arising from the carrying out of a large investment project or is a member of a qualified partnership that carries on such activities in its fiscal period ending in that year may, subject to the third paragraph, deduct in computing its taxable income for the particular year, if a certificate has been issued for the particular year or the fiscal period in relation to the large investment project, an amount equal to the lesser of the amount by which its adjusted taxable income for the particular year exceeds the amount it deducts in computing its taxable income under subparagraph *b* of the first paragraph of section 737.18.17.5 and the aggregate of the following amounts that is multiplied, where the corporation has an establishment situated outside Québec, by the reciprocal of the proportion that its business carried on in Québec is of the aggregate of its business carried on in Canada or in Québec and elsewhere, as determined under subsection 2 of section 771:

(*a*) 100/11.5 of the lesser of the amount determined in accordance with the first paragraph of section 737.18.17.18 in respect of the corporation for the particular year, in relation to one or more large investment projects of the corporation or of such a qualified partnership of which it is a member, and the amount determined in its respect for the particular year under the second paragraph; and

(*b*) 100/3.2 of the amount by which the amount determined in accordance with the first paragraph of section 737.18.17.18 in respect of the corporation for the particular year, in relation to one or more large investment projects of the corporation or of such a qualified partnership of which it is a member, exceeds the amount determined in its respect for the particular year under the second paragraph.

The amount to which subparagraphs *a* and *b* of the first paragraph refer for a particular taxation year is equal to

(*a*) the amount by which the tax that would be determined, in respect of the corporation for the particular year, in accordance with subsection 1 of section 771, if its taxable income for the year were computed without reference to this section, exceeds 3.2% of the amount that would be determined in respect of the corporation for the particular year under section 771.2.1.2 if, for the purposes of paragraph *b* of that section, its taxable income for the year were computed without reference to this section; or

(*b*) where the corporation has an establishment situated outside Québec for the particular year, the product obtained by multiplying the excess amount determined under subparagraph *a* by the proportion that its business carried on in Québec is of the aggregate of its business carried on in Canada or in Québec and elsewhere, as determined under subsection 2 of section 771 for that year.

A corporation may deduct an amount under the first paragraph in computing its taxable income for a taxation year only if it encloses, with the fiscal return it is required to file for the year under section 1000,

(*a*) the prescribed form containing prescribed information; and

(*b*) in relation to each large investment project referred to in the first paragraph of the corporation or of a partnership of which the corporation is a member,

i. a copy of the qualification certificate issued to the corporation or partnership in respect of the large investment project,

ii. a copy of the certificate issued for the corporation's taxation year or the partnership's fiscal period, as the case may be, in relation to the large investment project,

iii. where the large investment project is such a project of the partnership, a copy of each agreement referred to in section 737.18.17.20 in respect of the partnership's fiscal period that ends in the taxation year or in a preceding taxation year, in relation to the project, unless it has already been filed,

iv. where the corporation or partnership acquired or sold all or substantially all of the activities arising from the carrying out of the large investment project, a copy of the agreement referred to in section 737.18.17.21 in respect of the transfer, unless it has already been filed, and

v. a copy of the independent auditor's report that the corporation or partnership enclosed with the application for the first certificate relating to the large investment project.

"**737.18.17.18.** The amount to which subparagraphs *a* and *b* of the first paragraph of section 737.18.17.17 refer in respect of a qualified corporation for a particular taxation year, in relation to one or more large investment projects of the corporation or of a qualified partnership of which it is a member, is equal to the lesser of

(*a*) the tax that would be determined, in respect of the corporation for the particular year, in accordance with subsection 1 of section 771, if its taxable income for the particular year were computed without reference to section 737.18.17.17 or, where the corporation has an establishment outside Québec, the result obtained by multiplying that tax by the proportion that its business carried on in Québec is of the aggregate of its business carried on in

Canada or in Québec and elsewhere, as determined under subsection 2 of section 771; and

(*b*) the aggregate of all amounts each of which is, for the particular year, in relation to any of those large investment projects,

i. in the case of a large investment project of the corporation, the amount determined by the formula

(A × B/C) – D, or

ii. in the case of a large investment project of a partnership of which the corporation is a member, the amount determined by the formula

E – D.

In the formulas in subparagraph *b* of the second paragraph,

(*a*) A is either the product obtained by multiplying by the rate provided for in section 737.18.17.19, in respect of the large investment project, the corporation's cumulative total eligible expenses in relation to the project at the end of the particular year or, where the corporation acquired all or substantially all of the activities arising from the carrying out of the project, subject to the fourth paragraph, the amount that was transferred to the corporation pursuant to the agreement referred to in section 737.18.17.21 in respect of the transfer;

(*b*) B is the number of days in the period that begins on the date of the beginning of the tax-free period in respect of the large investment project and that ends on the last day of the particular taxation year or, if it is earlier, the last day of the tax-free period in respect of the project;

(*c*) C is the number of days in the period that begins on the date of the beginning of the tax-free period in respect of the large investment project and that ends on the last day of the tax-free period in respect of the project;

(*d*) D is

i. where the large investment project is that of the corporation, the aggregate of

(1) the aggregate of all amounts each of which is, for a preceding taxation year, in relation to the large investment project, equal to the amount determined by the formula

F × G × H,

(2) the aggregate of all amounts each of which is, for the particular taxation year or a preceding taxation year, in relation to the large investment project, equal to the amount determined by the formula

I × J, and

(3) where, at any time in the particular taxation year, the corporation transfers all or substantially all of its activities arising from the carrying out of the large investment project to another corporation or a partnership, the amount that was transferred to the other corporation or the partnership pursuant to the agreement referred to in section 737.18.17.21 in respect of the transfer, or

ii. where the large investment project is that of a partnership of which the corporation is a member, the aggregate of all amounts each of which is, for a preceding taxation year, in relation to the large investment project, equal to the amount determined by the formula

F × G × H; and

(*e*) E is the aggregate of all amounts each of which is either the amount that was allocated to the corporation for the particular year, or for a preceding taxation year, pursuant to the agreement referred to in section 737.18.17.20, in relation to the large investment project, in respect of the partnership's fiscal period that ends in that year, or zero if, in respect of that fiscal period, no such agreement has been entered into in relation to the project.

In the formulas in subparagraph *d* of the second paragraph,

(*a*) F is 1, unless the corporation has an establishment situated outside Québec for the preceding taxation year, in which case it is the proportion that its business carried on in Québec is of the aggregate of its business carried on in Canada or in Québec and elsewhere, as determined under subsection 2 of section 771 for the preceding year;

(*b*) G is the aggregate of

i. 3.2% of the amount by which the amount that would be determined in respect of the corporation for the preceding taxation year under section 771.2.1.2 if, for the purposes of paragraph *b* of that section, its taxable income for the preceding year were computed without reference to section 737.18.17.17 exceeds the amount that is determined in its respect for that year under section 771.2.1.2, and

ii. 11.5% of the amount by which the amount deducted by the corporation in computing its taxable income for the preceding taxation year under section 737.18.17.17 exceeds the excess amount determined under subparagraph i;

(*c*) H is the proportion that the corporation's maximum annual tax exemption amount for the preceding taxation year, in relation to the large investment project, is of the aggregate of all amounts each of which is the corporation's maximum annual tax exemption amount for the preceding year, in relation to a large investment project of the corporation or of a partnership of which it is

a member, that is referred to in the first paragraph of section 737.18.17.17 for that year;

(*d*) I is the aggregate of the amounts that are not payable by the corporation for the taxation year under subparagraph *d*.2 of the sixth paragraph of section 34 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5); and

(*e*) J is the proportion that the corporation's maximum annual contribution exemption amount for the taxation year, in relation to the large investment project, is of the aggregate of all amounts each of which is the corporation's maximum annual contribution exemption amount for the year, in relation to a large investment project of the corporation, that is referred to in subparagraph *d*.2 of the sixth paragraph of section 34 of the Act respecting the Régie de l'assurance maladie du Québec for the year.

Where a corporation has acquired all or substantially all of the activities arising from the carrying out of a large investment project before the end of the investment period in respect of that project, the amount that was transferred to the corporation pursuant to the agreement referred to in section 737.18.17.21 in respect of the transfer, for any taxation year that ends on or after the day of the transfer, must be increased by an amount equal to the product obtained by multiplying by the rate provided for in section 737.18.17.19, in respect of the project, the amount that would be the corporation's total eligible expenses, in respect of the large investment project, at the end of the investment period if the definition of "total eligible expenses" in the first paragraph of section 737.18.17.14 were read as if "in the investment period" were replaced by "in the part of the investment period that follows the day of the transfer".

"**737.18.17.19.** The rate to which sections 737.18.17.18 and 737.18.17.21 refer in respect of a large investment project of a corporation or a partnership is

(*a*) 25%, where all or substantially all of the expenses that are included, or that may reasonably be expected to be included, in the corporation's total eligible expenses in relation to the large investment project are or will be incurred in respect of qualified property acquired to be used mainly in one or more territories with low economic vitality;

(*b*) 20%, where paragraph *a* does not apply and all or substantially all of the expenses that are included, or that may reasonably be expected to be included, in the corporation's total eligible expenses in relation to the large investment project are or will be incurred in respect of qualified property acquired to be used mainly in one or more territories with low economic vitality or territories with intermediate economic vitality; or

(*c*) 15%, in any other case.

"**737.18.17.20.** The agreement to which subparagraph *e* of the second paragraph of section 737.18.17.18 refers in respect of a particular fiscal period of a partnership, in relation to a large investment project of the partnership, is

the agreement under which the partnership and all its members agree on an amount in respect of the particular amount determined in relation to the partnership in accordance with the second paragraph of section 34.1.0.5 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5) for the particular fiscal period, in relation to the large investment project, for the purpose of allocating to each corporation that is a member of the partnership, for its taxation year in which the particular fiscal period ends, its share of the agreed amount, which amount must not be greater than the amount that would be the partnership's particular amount in relation to the large investment project for the particular fiscal period if subparagraph 2 of subparagraph ii of subparagraph *d* of the third paragraph of that section 34.1.0.5 were read without reference to "the particular fiscal period or".

The share of a corporation that is a member of the partnership of the amount agreed on pursuant to an agreement referred to in the first paragraph, in respect of a fiscal period, is the agreed proportion of that amount in respect of the corporation for the partnership's fiscal period.

Where the amount agreed on, in respect of a particular fiscal period of a partnership, in relation to a large investment project, pursuant to an agreement referred to in the first paragraph, is greater than the amount referred to in the first paragraph, the agreed amount is, for the purposes of this Title and section 34.1.0.5 of the Act respecting the Régie de l'assurance maladie du Québec, deemed to be equal to the amount referred to in the first paragraph.

"**737.18.17.21.** Where, at any time in a particular taxation year or fiscal period, a corporation or a partnership (in this section referred to as the "acquirer") acquired all or substantially all of the activities arising from the carrying out of a large investment project from another corporation or partnership (in this section referred to as the "vendor") and the Minister of Finance previously authorized the transfer of those activities to the acquirer, according to a qualification certificate issued by that Minister to the acquirer in respect of the project, the vendor and the acquirer shall enter into an agreement under which is transferred to the acquirer an amount not greater than the amount by which the amount determined under the second paragraph exceeds,

(*a*) where the vendor is a corporation, the total of

i. the aggregate of all amounts each of which is, for a preceding taxation year, in relation to the large investment project, equal to the amount determined by the formula

A × B × C, and

ii. the aggregate of all amounts each of which is, for a preceding taxation year, in relation to the large investment project, equal to the amount determined by the formula

D × E; or

(*b*) where the vendor is a partnership, the total of

i. the aggregate of all amounts each of which is the amount agreed on, in respect of a preceding fiscal period of the vendor, in relation to the large investment project, pursuant to an agreement referred to in section 737.18.17.20 in respect of that fiscal period, and

ii. the aggregate of all amounts each of which is, for a preceding fiscal period of the vendor, in relation to the large investment project, the amount determined by the formula

D × E.

The amount to which the first paragraph refers is equal either to the amount obtained by multiplying by the rate provided for in section 737.18.17.19 in respect of the large investment project the vendor's cumulative total eligible expenses in relation to the project at the end of the particular taxation year or of the particular fiscal period, or, where the vendor acquired all or substantially all of the activities arising from the carrying out of the project following a previous transfer, subject to the fifth paragraph, to the amount that was transferred to the vendor pursuant to the agreement referred to in this section in respect of the acquisition.

In the formulas in the first paragraph,

(*a*) A is 1, unless the vendor has an establishment situated outside Québec for the preceding year, in which case it is the proportion that the vendor's business carried on in Québec is of the aggregate of its business carried on in Canada or in Québec and elsewhere, as determined under subsection 2 of section 771 for that preceding year;

(*b*) B is the aggregate of

i. the product obtained by multiplying by 3.2% the amount by which the amount that would be determined in respect of the vendor for the preceding year under section 771.2.1.2 if, for the purposes of paragraph *b* of section 771.2.1.2, its taxable income for the preceding year were computed without reference to section 737.18.17.17, exceeds the amount determined in its respect for that year under section 771.2.1.2, and

ii. the product obtained by multiplying by 11.5% the amount by which the amount deducted by the vendor in computing its taxable income for the preceding year under section 737.18.17.17 exceeds the excess amount determined under subparagraph i;

(*c*) C is the proportion that the vendor's maximum annual tax exemption amount for the preceding year, in relation to the large investment project, is of the aggregate of all amounts each of which is the vendor's maximum annual tax exemption amount for the preceding year, in relation to a large investment project of the vendor, or of a partnership of which it is a member, that is referred to in the first paragraph of section 737.18.17.17 for that year;

(*d*) D is the aggregate of all amounts that are not payable by the vendor for the preceding taxation year or fiscal period under subparagraph *d*.2 of the sixth paragraph of section 34 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5); and

(*e*) E is the proportion that the vendor's maximum annual contribution exemption amount for the preceding taxation year or fiscal period, in relation to the large investment project, is of the aggregate of all amounts each of which is the vendor's maximum annual contribution exemption amount for the preceding year or fiscal period, in relation to a large investment project of the vendor that is referred to in subparagraph *d*.2 of the sixth paragraph of section 34 of the Act respecting the Régie de l'assurance maladie du Québec for that year or fiscal period.

Where the amount that was transferred to an acquirer, in relation to a large investment project, pursuant to an agreement referred to in the first paragraph is greater than the excess amount referred to in that paragraph, the amount transferred to the acquirer is, for the purposes of this Title and sections 34.1.0.5 and 34.1.0.6 of the Act respecting the Régie de l'assurance maladie du Québec, deemed to be equal to the excess amount.

Where the previous transfer to which the second paragraph refers occurred before the end of the investment period in respect of a large investment project, the amount that was transferred to the vendor pursuant to the agreement referred to in this section in respect of the acquisition must be increased by an amount equal to the product obtained by multiplying by the rate provided for in section 737.18.17.19, in respect of the project, the amount that would be the vendor's total eligible expenses on the last day of the investment period or, if it is earlier, on the day that includes the time referred to in the first paragraph, if the definition of "total eligible expenses" in the first paragraph of section 737.18.17.14 were read as if "in the investment period" were replaced by "in the part of the investment period that follows the time of the transfer"."

(2) Subsection 1 has effect from 21 March 2023.

72. (1) Section 750.2 of the Act is amended by inserting the following subparagraphs after subparagraph *e* of the fourth paragraph:

"(*e*.1) the amount of $5,000 mentioned in section 752.0.10.0.5;

"(*e*.2) the amount of $5,000 mentioned in section 752.0.10.0.7;".

(2) Subsection 1 applies from the taxation year 2024.

73. (1) Section 752.0.7.4 of the Act is amended

(1) by replacing "if the following conditions are met" in the portion of subparagraph i of subparagraph *a* of the first paragraph before subparagraph 2

by "if the individual is an individual described in the second paragraph for the year or if the following conditions are met";

(2) by replacing "second paragraph" in subparagraph ii of subparagraphs *a* and *b* of the first paragraph by "third paragraph";

(3) by inserting the following paragraph after the first paragraph:

"The individual to whom the portion of subparagraph i of subparagraph *a* of the first paragraph before subparagraph 2 refers for a taxation year is the individual in respect of whom the following conditions are met:

(*a*) the individual does not have an eligible spouse for the year;

(*b*) the individual received, in the year, a basic benefit under the Basic Income Program provided for in Chapter VI of Title II of the Individual and Family Assistance Act (chapter A-13.1.1) that was increased by the adjustment for an adult without a spouse prescribed in section 177.73 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1); and

(*c*) the amount taken into consideration in computing the amount deducted, under section 752.0.0.1, from the individual's tax otherwise payable for the year under this Part is less than the aggregate of all amounts, included by the individual in computing income for the year, each of which is

i. where the individual became, in the year, a recipient under the Basic Income Program,

(1) financial assistance paid under that program,

(2) financial assistance paid under the Social Solidarity Program provided for in Chapter II of Title II of the Individual and Family Assistance Act, or

(3) an amount described in subparagraph 1 or 2 of the first paragraph of section 177.46 of the Individual and Family Assistance Regulation, or

ii. in any other case, financial assistance paid under the Basic Income Program."

(2) Subsection 1 applies from the taxation year 2023.

74. (1) The Act is amended by inserting the following section after section 752.0.7.6:

"**752.0.7.7.** Where an individual in respect of whom the conditions provided for in the second paragraph of section 752.0.7.4 are met for a taxation year did not, for the purpose of determining the amount that the individual may deduct from tax otherwise payable for the year under section 752.0.7.4, include the amount granted for the year under subparagraph i of subparagraph *a* of the first paragraph of section 752.0.7.4 in the aggregate described in that

paragraph and where the individual filed a fiscal return under this Part for the year, the individual is deemed to have deducted from tax otherwise payable for the year, under section 752.0.7.4, an amount equal to the amount by which the amount that the individual could have deducted for the year under that section if such an inclusion had been made exceeds the amount deducted for the year under that section."

(2) Subsection 1 applies from the taxation year 2023.

75. (1) Section 752.0.8 of the Act is amended by replacing "second paragraph" in the portion before paragraph *a* by "third paragraph".

(2) Subsection 1 applies from the taxation year 2023.

76. (1) Section 752.0.10.0.5 of the Act is amended by replacing "$3,000" in the portion before paragraph *a* by "$5,000".

(2) Subsection 1 applies from the taxation year 2023.

77. (1) Section 752.0.10.0.7 of the Act is amended by replacing "$3,000" in the portion before paragraph *a* by "$5,000".

(2) Subsection 1 applies from the taxation year 2023.

78. (1) Section 752.0.10.10.0.1 of the Act is amended by replacing "its paragraph *a*" in the portion before paragraph *a* by "subparagraph *a* of its first paragraph".

(2) Subsection 1 has effect from 31 December 2015.

79. (1) Section 771.2.1.2.1 of the Act is amended by adding the following paragraph at the end:

"For the purposes of subparagraph *b* of the first paragraph, a corporation (in this paragraph referred to as the "new corporation") that is formed as a result of the amalgamation, within the meaning of section 544, of two or more corporations (each of which is in this paragraph referred to as a "predecessor corporation") and in respect of which the particular taxation year to which the first paragraph refers is its first taxation year, is deemed to have a number of remunerated hours, determined in respect of its employees, for a taxation year that ended in the calendar year preceding the calendar year in which that first taxation year ends, equal to the aggregate of all remunerated hours each of which is a remunerated hour, determined in respect of an employee of a predecessor corporation, for the predecessor corporation's taxation year that ended in the calendar year preceding the calendar year in which that first taxation year ends."

(2) Subsection 1 applies to a corporation's taxation year that ends after 27 June 2023.

80. (1) Section 776.1.1 of the Act is amended by replacing "Fonds de solidarité des travailleurs du Québec (F.T.Q.)" in paragraph *a* by "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)".

(2) Subsection 1 applies from 1 June 2024.

81. (1) Section 776.1.4 of the Act is amended by replacing "Fonds de solidarité des travailleurs du Québec (F.T.Q.)" by "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)" in the following provisions:

(1) subparagraph *c* of the first paragraph;

(2) subparagraph *b* of the second paragraph;

(3) subparagraph *a* of the third paragraph.

(2) Subsection 1 applies from 1 June 2024.

82. (1) Section 776.1.4.1 of the Act is amended by replacing "Fonds de solidarité des travailleurs du Québec (F.T.Q.)" by "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)".

(2) Subsection 1 applies from 1 June 2024.

83. The Act is amended by inserting the following sections after section 776.1.4.2:

"**776.1.4.2.1.** In no case may an individual deduct an amount under section 776.1.1 for a particular taxation year that ends after 31 December 2026, or section 776.1.2 for a subsequent year, in respect of an amount paid for the acquisition, after that date, of a share referred to in section 776.1.1, where the individual's taxable income for the individual's base year, in relation to the particular taxation year, exceeds the amount in dollars mentioned in paragraph *d* of section 750 that, with reference to section 750.2, is applicable for that base year.

For the purposes of this section and sections 776.1.4.2.2 and 776.1.5, the base year of an individual, in relation to a particular taxation year of the individual, is the taxation year, determined without reference to section 779, that ended on 31 December of the second calendar year preceding the particular taxation year.

"**776.1.4.2.2.** For the purposes of section 776.1.4.2.1, an individual's taxable income for a base year (other than an individual who was resident in Québec on the last day of the base year and in Canada throughout that year) is deemed to be equal to the taxable income that would be determined in respect of the individual for the base year, under this Part, if the individual had been resident in Québec on the last day of the base year and in Canada throughout that year."

84. Section 776.1.5 of the Act is amended by adding the following paragraphs at the end:

"Where an individual who avails himself of section 776.1.1 for a particular taxation year that ends after 31 December 2026, or section 776.1.2 for a subsequent year, in respect of a share acquired after that date, was not resident in Canada throughout the base year, in relation to the particular taxation year, the individual shall attach to the fiscal return referred to in the first paragraph to be filed for the particular taxation year or the subsequent year, as the case may be, a statement of income for the base year and a copy of any document constituting proof of payment of an amount that would have been deductible in computing the individual's taxable income for the base year, if applicable, had the individual been resident in Québec throughout the base year.

Where an individual who avails himself of section 776.1.1 for a particular taxation year that ends after 31 December 2026, or section 776.1.2 for a subsequent year, in respect of a share acquired after that date, was resident in Canada throughout the base year, in relation to the particular taxation year, but was not resident in Québec on the last day of that base year, the individual shall attach to the fiscal return referred to in the first paragraph to be filed for the particular taxation year or the subsequent year, as the case may be, either a copy of the fiscal return that the individual filed for the base year under Part I of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement) or a statement of income for the base year, and a copy of any document constituting proof of payment of an amount that would have been deductible in computing the individual's taxable income for the base year, if applicable, had the individual been resident in Québec throughout the base year."

85. (1) Section 776.1.5.0.1 of the Act is amended by replacing "Fonds de solidarité des travailleurs du Québec (F.T.Q.)" in the second paragraph by "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)".

(2) Subsection 1 applies from 1 June 2024.

86. (1) Section 776.1.5.0.6 of the Act is amended by replacing "Fonds de solidarité des travailleurs du Québec (F.T.Q.)" in the second paragraph by "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)".

(2) Subsection 1 applies from 1 June 2024.

87. (1) Section 890.15 of the Act is amended by replacing paragraph *b* of the definition of "education savings plan" by the following paragraph:

"(*b*) a contract entered into after 31 December 1997 between an individual (other than a trust), such an individual and the individual's spouse, such an individual who is legally the father or mother of a beneficiary and the individual's former spouse who is also legally the father or mother of a beneficiary or the public primary caregiver of a beneficiary, and a person (in this

Title referred to as a "promoter"), under which the promoter agrees to pay or to cause to be paid educational assistance payments to or for one or more beneficiaries;".

(2) Subsection 1 has effect from 28 March 2023.

88. (1) Section 895 of the Act is amended, in subparagraph iii of paragraph *f*.1,

(1) by replacing "$5,000" in subparagraph 1 by "$8,000";

(2) by replacing "$2,500" in subparagraph 2 by "$4,000".

(2) Subsection 1 has effect from 28 March 2023.

89. (1) Section 905.0.3 of the Act is amended, in the first paragraph,

(1) by adding the following paragraph at the end of the definition of "qualifying family member":

"(*c*) a brother or sister of the beneficiary, determined without reference to the definitions of "brother" and "sister" in section 1;";

(2) by replacing "2024" in subparagraph ii.1 of paragraph *a* of the definition of "disability savings plan" by "2027".

(2) Subsection 1 has effect from 22 June 2023.

90. (1) Section 905.0.13 of the Act is amended

(1) by replacing paragraph *b* by the following paragraph:

"(*b*) the trust's taxable capital gain or allowable capital loss from the disposition of a property is equal to the capital gain or capital loss, as the case may be, from the disposition of the property; and";

(2) by adding the following paragraph at the end:

"(*c*) the trust's income is computed without reference to paragraph *a* of section 657."

(2) Subsection 1 has effect from 9 August 2022.

91. (1) Sections 985.2.1 and 985.2.2 of the Act are replaced by the following sections:

"**985.2.1.** For the purposes of paragraph *b* of sections 985.6 and 985.7, subparagraph *b* of the first paragraph of section 985.8 and section 985.21, the following are deemed to be neither amounts expended in a taxation year on charitable activities nor gifts made to a qualified donee:

(*a*) a designated gift; and

(*b*) expenditures relating to the administration and management of a charity.

"**985.2.2.** On application made to the Minister in prescribed form by a registered charity, the Minister may specify an amount in respect of the charity for a taxation year and that amount is deemed to reduce the charity's disbursement quota for the year."

(2) Subsection 1 applies to a taxation year that begins after 31 December 2022.

92. (1) Section 985.9 of the Act is amended

(1) by replacing the formula in the first paragraph by the following formula:

"A/365 × B";

(2) by replacing the portion of subparagraph i of subparagraph *b* of the second paragraph before subparagraph 1 by the following:

"i. 3.5% of the prescribed amount for the year, in respect of all or a portion of a property owned by the charity at any time in the 24 months immediately preceding the year that was not used directly in charitable activities or administration, if the prescribed amount is less than or equal to $1,000,000, but greater than";

(3) by inserting the following subparagraph after subparagraph i of subparagraph *b* of the second paragraph:

"i.1. if the prescribed amount for the year in respect of all or a portion of a property owned by the charity at any time in the 24 months immediately preceding the year that was not used directly in charitable activities or administration is greater than $1,000,000, the total of $35,000 and 5% of the amount by which the prescribed amount exceeds $1,000,000, and".

(2) Subsection 1 applies to a taxation year that begins after 31 December 2022.

93. (1) Section 985.9.4 of the Act is amended by replacing the portion before paragraph *a* by the following:

"**985.9.4.** For the purposes of subparagraphs i and i.1 of subparagraph *b* of the second paragraph of section 985.9, the Minister may".

(2) Subsection 1 applies to a taxation year that begins after 31 December 2022.

94. (1) Section 985.15 of the Act is repealed.

(2) Subsection 1 applies to applications made after 31 December 2022.

95. (1) Section 985.35.4 of the Act is replaced by the following section:

"**985.35.4.** On application made to the Minister in prescribed form by a registered museum, the Minister may specify an amount in respect of the museum for a taxation year and that amount is deemed to reduce the museum's disbursement quota for the year."

(2) Subsection 1 applies to a taxation year that begins after 31 December 2022.

96. (1) Section 985.35.6 of the Act is repealed.

(2) Subsection 1 applies to applications made after 31 December 2022.

97. (1) Section 985.35.14 of the Act is replaced by the following section:

"**985.35.14.** On application made to the Minister in prescribed form by a registered cultural or communications organization, the Minister may specify an amount in respect of the organization for a taxation year and that amount is deemed to reduce the organization's disbursement quota for the year."

(2) Subsection 1 applies to a taxation year that begins after 31 December 2022.

98. (1) Section 985.35.16 of the Act is repealed.

(2) Subsection 1 applies to applications made after 31 December 2022.

99. (1) Section 985.38 of the Act is replaced by the following section:

"**985.38.** On application made to the Minister in prescribed form by a recognized political education organization, the Minister may specify an amount in respect of the organization for a taxation year and that amount is deemed to reduce the organization's disbursement quota for the year."

(2) Subsection 1 applies to a taxation year that begins after 31 December 2022.

100. (1) Section 985.40 of the Act is repealed.

(2) Subsection 1 applies to applications made after 31 December 2022.

101. (1) Section 1010 of the Act is amended

(1) by replacing "présent sous-paragraphe" in subparagraph ii of paragraph *a*.1 of subsection 2 in the French text by "présent sous-paragraphe *a*.1";

(2) by inserting the following paragraph after paragraph *a*.2 of subsection 2:

"(*a*.3) within three years after the day on which the information return described in section 1079.8.15.3 is filed in relation to an uncertain tax treatment, within the meaning of section 1079.8.15.2, or, in the case of a taxpayer referred

to in paragraph *a*.0.1, within four years after that day, if that information return is not filed in the manner and within the time specified; and";

(3) by replacing subsection 3 by the following subsection:

"(3) However, the Minister may, under any of paragraphs *a*.1 to *a*.3 of subsection 2 or subsection 2.1, make a reassessment or an additional assessment beyond the period referred to in paragraph *a* or *a*.0.1 of subsection 2 only to the extent that the reassessment or additional assessment may reasonably be regarded as relating to the tax redetermination referred to in that paragraph *a*.1 or subsection 2.1, to the reduction referred to in subparagraph iii of that paragraph *a*.1.1, to the claim or deduction referred to in that paragraph *a*.2 or to any transaction, or series of transactions, to which the tax treatment, within the meaning of section 1079.8.15.2, that is an uncertain tax treatment referred to in paragraph *a*.3 of subsection 2, relates, as the case may be."

(2) Paragraphs 2 and 3 of subsection 1 apply to a taxation year that begins after 31 December 2022.

102. (1) Section 1029.6.0.6.2 of the Act is amended

(1) by replacing "2019" in the first paragraph by "2023";

(2) by replacing subparagraphs *a* to *c* of the second paragraph by the following subparagraphs:

"(*a*) the amounts of $144, $156, $329, $418, $677, $821 and $1,935, wherever they are mentioned in section 1029.8.116.16;

"(*b*) the amount of $39,160 mentioned in section 1029.8.116.16; and

"(*c*) the amount of $23,750 mentioned in section 1029.8.116.34."

(2) Subsection 1 applies in respect of a payment period that begins after 30 June 2024.

(3) In addition, section 1029.6.0.6.2 of the Act does not apply to the payment period that begins on 1 July 2023 and ends on 30 June 2024.

103. (1) Section 1029.8.34.3 of the Act is amended by replacing "Fonds de solidarité des travailleurs du Québec (F.T.Q.)" in paragraph *f* by "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)".

(2) Subsection 1 applies from 1 June 2024.

104. Section 1029.8.35 of the Act is amended by replacing "application for a favourable advance ruling" in subparagraph 1 of subparagraphs i and ii of subparagraph *a* of the first paragraph by "application for an advance ruling".

105. Section 1029.8.35.3 of the Act is amended by replacing "application for a favourable advance ruling" in paragraph *a*.0.1 by "application for an advance ruling".

106. (1) Section 1029.8.36.0.0.4.3 of the Act is amended by replacing "Fonds de solidarité des travailleurs du Québec (F.T.Q.)" in paragraph *f* by "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)".

(2) Subsection 1 applies from 1 June 2024.

107. (1) Section 1029.8.36.0.0.12.1 of the Act is amended, in the first paragraph,

(1) by replacing the portion of subparagraph i of paragraph *b* of the definition of "qualified labour expenditure" before subparagraph 1 by the following:

"i. 60% of the amount by which the production costs directly attributable to the production of the property that are incurred by the corporation before the end of the year in respect of the property until the first presentation of the property outside Québec or within a period that is reasonable to the Minister, but that must not extend beyond the date provided for in subparagraph *a* of the third paragraph, and that are paid by the corporation, exceeds the aggregate of";

(2) by replacing the definitions of "eligible employee" and "eligible individual" by the following definitions:

""eligible employee" of an individual, a corporation or a partnership means an individual resident in Québec at any time in the calendar year in which the individual renders services as part of a qualified production;

""eligible individual" means an individual resident in Québec at any time in the calendar year in which the individual renders services as part of a qualified production;".

(2) Subsection 1 applies in respect of a production for which an application for an advance ruling or, in the absence of such an application, an application for a qualification certificate is filed with the Société de développement des entreprises culturelles after 21 March 2023.

108. (1) Section 1029.8.36.0.0.13 of the Act is amended

(1) by replacing "100/27" in subparagraphs 2 and 3 of subparagraph i of paragraph *a* of the definition of "qualified labour expenditure attributable to printing and reprinting costs" in the first paragraph and in subparagraph ii of paragraph *b* of that definition by "20/7";

(2) by replacing "50%" in the portion of subparagraph i of paragraph *b* of the definition of "qualified labour expenditure attributable to preparation costs and digital version publishing costs" in the first paragraph before subparagraph 1 by "65%";

(3) by replacing the eleventh paragraph by the following paragraph:

"Where the definition of "qualified labour expenditure attributable to printing and reprinting costs" in the first paragraph applies in respect of a property (other than a property described in subparagraph *a*.3 of the first paragraph of section 1029.8.36.0.0.14), it is to be read, in respect of the property, as if "20/7" were replaced wherever it appears by

(*a*) "100/26.25", if the property is referred to in subparagraph *a* of the first paragraph of section 1029.8.36.0.0.14;

(*a*.1) "100/27", if the property is referred to in subparagraph *a*.1 of the first paragraph of section 1029.8.36.0.0.14;

(*b*) "100/21.6", if the property is referred to in subparagraph *a*.2 of the first paragraph of section 1029.8.36.0.0.14; or

(*c*) "10/3", if the property is referred to in subparagraph *b* of the first paragraph of section 1029.8.36.0.0.14.";

(4) by adding the following paragraph at the end:

"Where the definition of "qualified labour expenditure attributable to preparation costs and digital version publishing costs" in the first paragraph applies in respect of a property (other than a property described in subparagraph *a*.3 of the first paragraph of section 1029.8.36.0.0.14), it is to be read, in respect of the property,

(*a*) as if "20/7" were replaced wherever it appears by

i. "20/7", if the property is referred to in subparagraph *a* or *a*.1 of the first paragraph of section 1029.8.36.0.0.14,

ii. "25/7", if the property is referred to in subparagraph *a*.2 of the first paragraph of section 1029.8.36.0.0.14, or

iii. "5/2", if the property is referred to in subparagraph *b* of the first paragraph of section 1029.8.36.0.0.14; and

(*b*) as if "65%" in the portion of subparagraph i of paragraph *b* before subparagraph 1 were replaced by "50%"."

(2) Subsection 1 has effect from 22 March 2023.

109. (1) Section 1029.8.36.0.0.14 of the Act is amended

(1) by replacing the portion of subparagraph *a*.1 of the first paragraph before subparagraph i by the following:

"(*a*.1) in the case of a property for which an application for an advance ruling or, in the absence of such an application, an application for a certificate is filed with the Société de développement des entreprises culturelles after 19 March 2009 and on or before 4 June 2014 or, if the Société de développement des entreprises culturelles considers that the work on the property was sufficiently advanced on that date, 31 August 2014, or where an application for an advance ruling or, in the absence of such an application, an application for a certificate is filed with the Société de développement des entreprises culturelles in respect of the property after 26 March 2015 and before 22 March 2023, the aggregate of";

(2) by inserting the following subparagraph after subparagraph *a*.2 of the first paragraph:

"(*a*.3) in the case of a property for which an application for an advance ruling or, in the absence of such an application, an application for a certificate is filed with the Société de développement des entreprises culturelles in respect of the property after 21 March 2023, the aggregate of

i. an amount equal to 35% of its qualified labour expenditure attributable to preparation costs and digital version publishing costs for the year in respect of the property, and

ii. an amount equal to 35% of its qualified labour expenditure attributable to printing and reprinting costs for the year in respect of the property; and";

(3) by replacing the portion of the fifth paragraph before subparagraph *a* by the following:

"However, where the fourth paragraph applies in respect of a property (other than a property described in any of subparagraphs *a*, *a*.1 and *a*.3 of the first paragraph), it is to be read, in respect of the property, as if "$437,500" were replaced wherever it appears by".

(2) Subsection 1 has effect from 22 March 2023.

110. (1) Section 1029.8.36.0.3.8 of the Act is amended, in the definition of "qualified corporation" in the first paragraph,

(1) by replacing "but for" in paragraph *c* by ", but for";

(2) by adding the following paragraph at the end:

"(*e*) a corporation that holds a qualification certificate in respect of a large investment project, within the meaning of the first paragraph of section 737.18.17.14, or a corporation that is a member of a partnership that holds such a qualification certificate, where the year is included in whole or in part in the period that begins on the date of issue of the qualification certificate and ends on the last day of the tax-free period, within the meaning of that first paragraph, in relation to the large investment project;".

(2) Subsection 1 has effect from 21 March 2023.

111. (1) Section 1029.8.36.0.3.18 of the Act is amended, in the definition of "qualified corporation" in the first paragraph,

(1) by replacing "but for" in paragraph *b* by ", but for";

(2) by adding the following paragraph at the end:

"(*d*) a corporation that holds a qualification certificate in respect of a large investment project, within the meaning of the first paragraph of section 737.18.17.14, or a corporation that is a member of a partnership that holds such a qualification certificate, where the year is included in whole or in part in the period that begins on the date of issue of the initial qualification certificate and ends on the last day of the tax-free period, within the meaning of that first paragraph, in relation to the large investment project;".

(2) Subsection 1 has effect from 21 March 2023.

112. (1) Section 1029.8.36.0.3.79 of the Act is amended by adding the following paragraph at the end of the definition of "excluded corporation" in the first paragraph:

"(*c*) a corporation that holds a qualification certificate in respect of a large investment project, within the meaning of the first paragraph of section 737.18.17.14, or a corporation that is a member of a partnership that holds such a qualification certificate, where the year is included in whole or in part in the period that begins on the date of issue of the initial qualification certificate and ends on the last day of the tax-free period, within the meaning of that first paragraph, in relation to the large investment project;".

(2) Subsection 1 has effect from 21 March 2023.

113. (1) Section 1029.8.36.0.3.88 of the Act is amended by replacing "2023" in the definition of "eligibility period" in the first paragraph and in subparagraph *a* of the second paragraph by "2024".

(2) Subsection 1 has effect from 19 December 2023.

114. (1) Section 1029.8.36.0.3.102 of the Act is amended by replacing "2026" in the portion before paragraph *a* by "2027".

(2) Subsection 1 has effect from 19 December 2023.

115. (1) Section 1029.8.36.0.3.103 of the Act is amended by replacing "2026" in the portion before subparagraph *a* of the first paragraph by "2027".

(2) Subsection 1 has effect from 19 December 2023.

116. (1) Section 1029.8.36.0.3.104 of the Act is amended by replacing "2026" in the portion before subparagraph *a* of the first paragraph by "2027".

(2) Subsection 1 has effect from 19 December 2023.

117. (1) Section 1029.8.36.0.106.7 of the Act is amended by adding the following paragraph at the end of the definition of "qualified corporation" in the first paragraph:

"(*c*) a corporation that holds a qualification certificate in respect of a large investment project, within the meaning of the first paragraph of section 737.18.17.14, or a corporation that is a member of a partnership that holds such a qualification certificate, where the year is included in whole or in part in the period that begins on the date of issue of the qualification certificate and ends on the last day of the tax-free period, within the meaning of that first paragraph, in relation to the large investment project;".

(2) Subsection 1 has effect from 21 March 2023.

118. (1) Section 1029.8.36.0.106.15 of the Act is amended by adding the following paragraph at the end of the definition of "qualified corporation" in the first paragraph:

"(*c*) a corporation that holds a qualification certificate in respect of a large investment project, within the meaning of the first paragraph of section 737.18.17.14, or a corporation that is a member of a partnership that holds such a qualification certificate, where the year is included in whole or in part in the period that begins on the date of issue of the qualification certificate and ends on the last day of the tax-free period, within the meaning of that first paragraph, in relation to the large investment project;".

(2) Subsection 1 has effect from 21 March 2023.

119. (1) Section 1029.8.36.166.60.36 of the Act is amended, in the first paragraph,

(1) by replacing paragraph *e* of the definition of "specified property" by the following paragraph:

"(*e*) the property is not used, or acquired to be used, in the course of carrying on a recognized business in connection with which a large investment project, within the meaning of the first paragraph of section 737.18.17.1, is carried out or is in the process of being carried out;";

(2) by inserting the following paragraph after paragraph *e* of the definition of "specified property":

"(*e*.1) the property is not a qualified property, within the meaning of the first paragraph of section 737.18.17.14;";

(3) by striking out the definition of "large investment project";

(4) by inserting the following subparagraph after subparagraph xvi of paragraph *a* of the definition of "territory with low economic vitality":

"xvi.1. Municipalité régionale de comté de Témiscamingue,".

(2) Paragraphs 1 to 3 of subsection 1 have effect from 21 March 2023.

(3) Paragraph 4 of subsection 1 applies in respect of expenses incurred after 31 March 2023 for the acquisition of a property after that date, unless it is a property acquired pursuant to an obligation in writing entered into on or before 31 March 2023 or the construction of which had begun by that date.

120. Section 1029.8.61.5 of the Act is amended by replacing the portion of the fifth paragraph before subparagraph *a* by the following:

"An eligible individual may be deemed to have paid an amount to the Minister under the first paragraph for a taxation year in respect of an eligible expense only if the eligible individual files with the Minister the prescribed form containing prescribed information and the following documents with the fiscal return filed for the year under section 1000, unless the documents have already been filed with the Minister in connection with an application for advance payments made under section 1029.8.61.6:".

121. Section 1029.8.61.5.3 of the Act is amended by replacing paragraph *b* by the following paragraph:

"(*b*) section 1029.8.61.5 is, in respect of an eligible expense the amount of which is included in that aggregate because of the application of paragraph *a*, to be read without reference to "the prescribed form containing prescribed information and" in the portion of its fifth paragraph before subparagraph *a* and without reference to subparagraph *a* of that fifth paragraph."

122. (1) Section 1029.8.61.19.1 of the Act is amended, in subparagraph *a* of the first paragraph,

(1) by replacing the portion before subparagraph i by the following:

"(*a*) for the purpose of computing the amount for the first level, an eligible dependent child to whom subparagraph i of subparagraph *c* of the second paragraph of section 1029.8.61.18 refers is a child described in the first paragraph of section 1029.8.61.19 who is, according to the prescribed rules in the case of a situation described in subparagraph i or ii, in any of the following situations:";

(2) by adding the following subparagraph at the end:

"iii. the child is under two years of age at the beginning of the particular month and

(1) has an established serious chronic disease, without known treatment, and presents both serious, multiple and persistent disabilities, including very severe motor disabilities, and a significant and persistent daily symptomatology requiring multiple complex medical care, or

(2) has a neurogenetic, congenital or metabolic disease, without known treatment, that limits life expectancy to childhood and is associated with a very significant symptomatology from the first months of life due to serious, multiple and persistent disabilities; and".

(2) Subsection 1 applies, for a particular month that is subsequent to the month of June 2024, in respect of an application to obtain or reassess the supplement for handicapped children requiring exceptional care that is filed with Retraite Québec after 30 June 2024, and in respect of an application to obtain such a supplement that is filed with Retraite Québec before 1 July 2024 for which no decision has been rendered before that date.

123. (1) The Act is amended by inserting the following section after section 1029.8.61.19.4:

"**1029.8.61.19.4.1.** For the purposes of subparagraph iii of subparagraph *a* of the first paragraph of section 1029.8.61.19.1, the following rules apply:

(*a*) a child presents very severe motor disabilities only if

i. the child has oral-motor disabilities that entail significant feeding issues, and

ii. the child has global motor abilities that remain lower than those of an average healthy child a quarter of the child's age, despite the application of recommended treatments;

(*b*) the complex medical care required by a significant and persistent daily symptomatology presented by a child is that which

i. is administered on a daily basis and for which the care routine presents a significant burden,

ii. is administered for the child's survival, as it compensates for the dysfunction of an organ or system,

iii. is not frequently administered to children in the child's age group, and

iv. requires specialized equipment or a person to be available at all times to respond to any change in the child's clinical condition; and

(*c*) a disease is considered as limiting life expectancy to childhood if the disease is associated with death occurring before the age of 18 years among the majority of children with this disease, despite optimal care.

In assessing, for the purposes of subparagraph *a* of the first paragraph, the condition of a child born prematurely in relation to the child's development, the child's age is adjusted by subtracting the number of weeks of prematurity, until the age of 36 months."

(2) Subsection 1 applies, for a particular month that is subsequent to the month of June 2024, in respect of an application to obtain or reassess the supplement for handicapped children requiring exceptional care that is filed with Retraite Québec after 30 June 2024, and in respect of an application to obtain such a supplement that is filed with Retraite Québec before 1 July 2024 for which no decision has been rendered before that date.

124. (1) Section 1029.8.61.96.10 of the Act, amended by section 1054 of chapter 34 of the statutes of 2023, is again amended by replacing the definition of "eligible senior relative" in the first paragraph by the following definition:

""eligible senior relative" of an individual means a person who is the father, mother, uncle, aunt, grandfather, grandmother, great-uncle or great-aunt of the individual or of the individual's spouse, or any other direct ascendant of the individual or of the individual's spouse;".

(2) Subsection 1 applies from the taxation year 2020.

125. (1) Section 1029.8.61.96.13 of the Act is replaced by the following section:

"**1029.8.61.96.13.** An individual who is resident in Québec at the end of 31 December of a taxation year and who, during the year, is not dependent upon another individual is deemed to have paid to the Minister, on the individual's balance-due day for that taxation year, on account of the individual's tax payable under this Part for that taxation year, an amount equal to the

aggregate of all amounts each of which is, in respect of each person who has reached 70 years of age before the end of the year or, if the person died in the year, the person had reached that age at the time of the death and who, throughout that person's minimum cohabitation period with the individual for the year, is an eligible senior relative of the individual, an amount of $1,250."

(2) Subsection 1 applies from the taxation year 2020.

126. Section 1029.8.66.1 of the Act is amended by replacing all occurrences of "into a woman", "of a woman" and "into the woman" by "into a woman or person", "of a woman or person" and "into the woman or person", respectively, in the following provisions of the first paragraph:

(1) the portion of the definition of "in vitro fertilization cycle" before paragraph *a*;

(2) subparagraph iv of paragraph *a* of the definition of "in vitro fertilization cycle";

(3) paragraph *b* of the definition of "in vitro fertilization cycle";

(4) subparagraph iii of paragraph *b* of the definition of "eligible expenses";

(5) paragraphs *a* to *c* of the definition of "eligible in vitro fertilization treatment".

127. (1) Section 1029.8.116.16 of the Act is amended

(1) by replacing "$292" in subparagraphs i and ii of subparagraph *a* of the second paragraph by "$329";

(2) by replacing "$139" in subparagraph iii of subparagraph *a* of the second paragraph by "$156";

(3) by replacing "$567" in subparagraph i of subparagraph *b* of the second paragraph by "$677";

(4) by replacing "$687" in subparagraphs 1 and 2 of subparagraph ii of subparagraph *b* of the second paragraph by "$821";

(5) by replacing "$121" in subparagraphs iii and iv of subparagraph *b* of the second paragraph by "$144";

(6) by replacing "$1,719" in subparagraph i of subparagraph *c* of the second paragraph and in the portion of subparagraph ii of that subparagraph *c* before subparagraph 1 by "$1,935";

(7) by replacing "$372" in the portion of subparagraphs iii and iv of subparagraph *c* of the second paragraph before subparagraph 1 by "$418";

(8) by replacing "$34,800" in subparagraph *c* of the third paragraph by "$39,160".

(2) Subsection 1 applies in respect of a payment period that begins after 30 June 2023.

128. (1) Section 1029.8.116.34 of the Act is amended by replacing "$21,105" in subparagraph *b* of the second paragraph by "$23,750".

(2) Subsection 1 applies in respect of a payment period that begins after 30 June 2023.

129. (1) Section 1049.15 of the Act is amended by replacing "Fonds de solidarité des travailleurs du Québec (F.T.Q.)" in the first paragraph by "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)".

(2) Subsection 1 applies from 1 June 2024.

130. (1) The Act is amended by inserting the following Book after section 1079.8.15.1:

"**BOOK X.2.1**

"REPORTING OF UNCERTAIN TAX TREATMENTS

"**TITLE I**

"DEFINITIONS

"**1079.8.15.2.** In this Title, unless the context indicates a different meaning,

"tax treatment" has the meaning assigned by subsection 1 of section 237.5 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement);

"transaction" includes an arrangement or event;

"uncertain tax treatment" of a corporation for a taxation year means a reportable uncertain tax treatment of the corporation for the year, to which section 237.5 of the Income Tax Act applies.

"**TITLE II**

"REPORTING

"**1079.8.15.3.** A corporation that is liable to pay tax under this Part for a taxation year and required to file for the year an information return in respect of an uncertain tax treatment under subsection 2 of section 237.5 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement) must,

on or before the corporation's filing-due date for the year, report the uncertain tax treatment in the prescribed form containing prescribed information filed with a copy of the information return and of every document sent to the Minister of National Revenue in respect of the uncertain tax treatment for the year.

"**1079.8.15.4.** A return concerning an uncertain tax treatment that is filed with the Minister by a corporation as required under section 1079.8.15.3 may not be considered to be an admission from the corporation that the tax treatment is not in accordance with this Act or the regulations made under it or that any transaction is part of a series of transactions.

"**TITLE III**

"FAILURE TO REPORT

"**1079.8.15.5.** A corporation that fails to report an uncertain tax treatment as required under section 1079.8.15.3, in relation to a taxation year, incurs a penalty of $100 a day, as of the second day, for every day the omission continues, up to $5,000.

"**1079.8.15.6.** A corporation required to file a return in respect of an uncertain tax treatment does not incur the penalty provided for in section 1079.8.15.5 if the corporation has exercised the degree of care, diligence and skill to prevent the failure to file that a reasonably prudent person would have exercised in the same circumstances.

"**1079.8.15.7.** Where a corporation is required to file a return in respect of an uncertain tax treatment under section 1079.8.15.3 for a taxation year, sections 38 to 40.1 of the Tax Administration Act (chapter A-6.002) apply, with the necessary modifications and without restricting the generality of those sections, for the purpose of permitting the Minister to verify or ascertain any information in respect of the uncertain tax treatment, including any information relating to a transaction, or series of transactions, to which the tax treatment that is an uncertain tax treatment relates.

The first paragraph applies even if a fiscal return has not been filed by the corporation under section 1000 for the taxation year."

(2) Subsection 1, where it enacts Book X.2.1 of Part I of the Act, except section 1079.8.15.5, applies to a taxation year that begins after 31 December 2022. Where it enacts section 1079.8.15.5 of the Act, it applies to a taxation year that begins after 6 May 2024.

131. (1) Section 1079.13.1 of the Act is amended by adding the following paragraph at the end:

"For the purposes of the first paragraph, a tax benefit that results from the application of paragraph *c* of the definition of "tax benefit" in the first paragraph of section 1079.9 is deemed to be nil."

(2) Subsection 1 has effect from 7 April 2022.

132. (1) The heading of Part III.6 of the Act is replaced by the following heading:

"SPECIAL TAX RELATING TO THE FONDS DE SOLIDARITÉ DES TRAVAILLEURS ET DES TRAVAILLEUSES DU QUÉBEC (FTQ)".

(2) Subsection 1 applies from 1 June 2024.

133. (1) Section 1129.24 of the Act is amended by replacing "Fonds de solidarité des travailleurs du Québec (F.T.Q.)" in the definition of "Fund" by "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)".

(2) Subsection 1 applies from 1 June 2024.

ACT RESPECTING THE SECTORAL PARAMETERS OF CERTAIN FISCAL MEASURES

134. (1) Section 1.1 of Schedule E to the Act respecting the sectoral parameters of certain fiscal measures (chapter P-5.1) is amended

(1) by replacing paragraph 7 by the following paragraph:

"(7) the tax holidays relating to the carrying out of a large investment project provided for in sections 737.18.17.1 to 737.18.17.13 of the Taxation Act and sections 33, 34 and 34.1.0.3 to 34.1.0.4 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);";

(2) by adding the following paragraph at the end:

"(9) the new tax holidays relating to a large investment project provided for in sections 737.18.17.14 to 737.18.17.21 of the Taxation Act and sections 33, 34, 34.1.0.5 and 34.1.0.6 of the Act respecting the Régie de l'assurance maladie du Québec."

(2) Subsection 1 has effect from 21 March 2023.

135. (1) Section 8.1 of Schedule E to the Act is amended by replacing ", 34.1.0.3 and 34.1.0.4" in paragraph 2 of the definition of "tax holiday relating to the carrying out of a large investment project" in the first paragraph by "and 34.1.0.3 to 34.1.0.4".

(2) Subsection 1 has effect from 21 March 2023.

136. (1) Section 8.3.1 of Schedule E to the Act is amended by replacing "31 December 2024" in the first paragraph by "21 March 2023".

(2) Subsection 1 has effect from 21 March 2023.

137. (1) Section 8.8 of Schedule E to the Act is amended by adding the following sentence at the end of the first paragraph: "Where the corporation or partnership has elected under section 8.9.1 to use the alternate computation method, the certificate specifies that it made such an election in relation to the project."

(2) Subsection 1 has effect from 21 March 2023.

138. (1) Schedule E to the Act is amended by inserting the following section after section 8.9:

"**8.9.1.** A corporation or a partnership may elect in writing to use the alternate computation method in computing its tax holidays relating to the carrying out of a large investment project, provided for in section 737.18.17.5.1 of the Taxation Act and section 34.1.0.3.1 of the Act respecting the Régie de l'assurance maladie du Québec. Such an election applies to all the corporation's or partnership's investment projects and is irrevocable.

The election must be made with the Minister on or before the date on which the application for a first annual certificate was filed with the Minister in respect of an investment project. If such an application has already been made in respect of all the investment projects for which the corporation or partnership holds an initial qualification certificate, the election may be made on or before 31 December 2024 unless, after that date, the corporation or partnership acquires an investment project and the Minister agrees to the transfer being made to the corporation or partnership, in accordance with the second paragraph of section 8.4.

A corporation or partnership that acquires a particular investment project in accordance with section 8.4 and has not elected to use the alternate computation method in respect of another project may make such an election in relation to the particular project on or before the later of

(1) the date on which it acquired the particular project; and

(2) 31 December 2024."

(2) Subsection 1 has effect from 21 March 2023.

139. (1) Schedule E to the Act is amended by adding the following chapter at the end:

"**CHAPTER X**

"SECTORAL PARAMETERS OF NEW FISCAL MEASURES RELATING TO A LARGE INVESTMENT PROJECT

"**DIVISION I**

"INTERPRETATION AND GENERAL

"**10.1.** In this chapter, unless the context indicates otherwise,

"investment period" of an investment project means the 48-month period that begins on the date specified for that purpose by the Minister in the qualification certificate referred to in the first paragraph of section 10.4 that was issued to a corporation or a partnership in relation to the project;

"new tax holiday relating to a large investment project" means either of the following fiscal measures from which a corporation holding a qualification certificate referred to in the first paragraph of section 10.4, a corporation that is a member of a partnership holding such a qualification certificate or, if the measure is the measure described in paragraph 2, any other person who is a member of such a partnership may benefit:

(1) the fiscal measure provided for in Title VII.2.3.2 of Book IV of Part I of the Taxation Act, under which the corporation may deduct an amount in computing its taxable income for a taxation year; and

(2) the fiscal measure provided for in sections 33, 34, 34.1.0.5 and 34.1.0.6 of the Act respecting the Régie de l'assurance maladie du Québec, which allows the corporation or the other person to obtain a contribution exemption under subparagraph *d*.2 of the sixth paragraph of section 34 of that Act;

"tax-free period" of a corporation or a partnership, in relation to an investment project, means the 10-year period that begins on the date specified for that purpose by the Minister in the first certificate referred to in the second paragraph of section 10.4 that is issued to the corporation or partnership in respect of the project.

"**10.2.** For the purposes of this Act and despite sections 1175.28.15 and 1175.28.17 of the Taxation Act, every person who is a member of a partnership holding the qualification certificate referred to in the first paragraph of section 10.4 is considered to be the person benefiting from or availing himself, herself or itself of the fiscal measure described in paragraph 2 of the definition of "new tax holiday relating to a large investment project" in section 10.1, according to the agreed proportion in respect of the person for the partnership's fiscal period that ends in the person's taxation year for which the measure applies.

"**10.3.** The Minister may suspend the investment period of an investment project if the Minister is of the opinion that the corporation or partnership, as the case may be, may not begin or continue the activities arising from the carrying out of the project without having obtained an authorization from the Gouvernement du Québec or the Government of Canada, one of their ministers or bodies, or a municipality in Québec, and that the circumstances so warrant. The Minister must notify the corporation or partnership of the date on which the suspension begins and of the date from which the investment period begins to run again.

"**10.4.** To benefit from a new tax holiday relating to a large investment project, in respect of an investment project, a corporation or, if it claims the new tax holiday as a member of a partnership, the partnership must obtain a qualification certificate in respect of the project (in this chapter referred to as an "initial qualification certificate") from the Minister.

In addition, the corporation or partnership must, for that purpose, obtain a certificate in respect of the investment project (in this chapter referred to as an "annual certificate") from the Minister. Such a certificate must be obtained, as applicable, for each taxation year in which the corporation intends to claim, in respect of the project, a new tax holiday relating to a large investment project, or for each fiscal period of the partnership that ends in such a taxation year, provided that the year or fiscal period is included in whole or in part in the corporation's or partnership's tax-free period in relation to the project.

The documents referred to in the first and second paragraphs that are obtained by a partnership are also required in order for a person, other than a corporation, who is a member of the partnership to avail himself, herself or itself of the fiscal measure referred to in paragraph 2 of the definition of "new tax holiday relating to a large investment project" in section 10.1.

"**10.5.** An application for an initial qualification certificate in respect of an investment project must, subject to subparagraph 4 of the first paragraph of section 10.7, be filed with the Minister before the investment project begins to be carried out and on or before 31 December 2029.

The particular time at which the total capital investments attributable to the carrying out of a project, determined in accordance with section 10.11, exceed $1,000,000 is considered to be the beginning of the carrying out of the project.

"**10.6.** An application for an annual certificate in respect of an investment project must be filed with the Minister within 15 months after the end of the taxation year or fiscal period for which it is made.

However, if the Minister considers that the circumstances so warrant, the Minister may grant such an application despite the expiry of that time limit, provided the application is filed on or before the last day of the 18th month following the end of the taxation year or fiscal period concerned.

The corporation or partnership must, regarding the issue of a first annual certificate in respect of an investment project, include with its application a report from an independent auditor certifying

(1) the total capital investments attributable to the carrying out of the project, determined in accordance with section 10.11, at the end of the taxation year or fiscal period;

(2) a breakdown of those capital investments according to where the acquired property is intended to be used primarily;

(3) the total amount of government assistance or non-government assistance, within the meaning assigned to those expressions by the first paragraph of section 1029.6.0.0.1 of the Taxation Act, that is attributable to a capital investment referred to in subparagraph 1 and that, on or before the time of the application, the corporation, the partnership or any of its members has received, is entitled to receive or may reasonably expect to receive; and

(4) any other information prescribed by the Minister.

The Minister may not issue an annual certificate to a corporation or a partnership in respect of an investment project for a particular taxation year or fiscal period unless, at the time the annual certificate is to be issued, the initial qualification certificate that the corporation or partnership, as the case may be, holds in relation to the project is still valid.

If, at a particular time, the Minister revokes the initial qualification certificate issued to a corporation or a partnership in respect of an investment project, any annual certificate issued to the corporation or partnership in respect of the project for a taxation year or fiscal period that is subsequent to the taxation year or fiscal period that includes the effective date of the revocation is deemed to be revoked by the Minister at that time. In such a case, the effective date of the deemed revocation is the date of coming into force of the certificate that is deemed to be revoked. The annual certificate issued in respect of the project for the second-mentioned taxation year or fiscal period is also deemed to be revoked by the Minister at that time, except that the effective date of the deemed revocation is the date specified in the notice of revocation of the initial qualification certificate.

"**10.7.** Where, at any time in a particular taxation year or fiscal period, a corporation or a partnership acquires from another corporation or partnership (in this section referred to as the "transferee" and the "transferor", respectively) all or substantially all of the part that is carried on in Québec of the business in connection with which are carried on activities arising from the carrying out of an investment project that has been referred to in a first annual certificate and in respect of which the transferor holds a valid initial qualification certificate and where, for the purposes of this chapter, the Minister agrees to the transfer of the activities to the transferee, the following rules apply:

(1) the initial qualification certificate issued to the transferor is deemed to be revoked from that time;

(2) the annual certificate that, if applicable, was issued to the transferor in respect of the project, for the particular year or fiscal period, is also deemed to be revoked from that time;

(3) the first annual certificate issued or deemed, because of the application of this subparagraph, to have been issued to the transferor in respect of the project is, for the purposes of the definition of "tax-free period" in section 10.1 and of the first paragraph of section 10.11, deemed to have been issued to the transferee; and

(4) the Minister must issue an initial qualification certificate to the transferee in respect of the project, which comes into force at that time.

The Minister may agree to the transfer of the activities arising from the carrying out of the investment project to the transferee if the transferee undertakes to continue in Québec the carrying out of all or substantially all of the project as submitted to and approved by the Minister at the time of the transfer.

If the Minister issued a particular initial qualification certificate to a transferee under subparagraph 4 of the first paragraph in relation to the acquisition (in this paragraph referred to as the "particular acquisition") by the transferee, at any time, of all or substantially all of the part that is carried on in Québec of the particular business in connection with which activities arising from the carrying out of the investment project in respect of which that qualification certificate was issued are carried on and if, at a time subsequent to the time of the particular acquisition, the Minister revokes or is deemed, because of the application of this paragraph, to have revoked the initial qualification certificate that was issued to the transferor involved in the particular acquisition in respect of that project, the particular qualification certificate is also deemed to have been revoked by the Minister at that subsequent time. The effective date of the deemed revocation is the date of coming into force of the particular qualification certificate.

"**DIVISION II**

"INITIAL QUALIFICATION CERTIFICATE

"**10.8.** An initial qualification certificate issued to a corporation or a partnership, as the case may be, states that the investment project referred to in it will likely be recognized as a large investment project. The Minister also enters the date of the beginning of the investment period of the project in the qualification certificate.

The date of the beginning of the investment period of a project is the date elected by the corporation or partnership in its application for an initial qualification certificate, provided the date is included in the 12-month period

after the application was filed. If the election is not made, or if the elected date is not included in the prescribed period, the Minister sets the date within that period.

Where the qualification certificate is issued under subparagraph 4 of the first paragraph of section 10.7, it also specifies that the Minister authorizes the transfer of the activities arising from the carrying out of the investment project to the corporation or partnership and states both the date of the beginning of the tax-free period in relation to the project that is mentioned in the first annual certificate that was obtained in its respect and that is deemed to have been issued to the corporation or partnership under subparagraph 3 of the first paragraph of that section and the date of the beginning of the investment period that is mentioned in the initial qualification certificate that was issued in respect of the project to the other corporation or partnership that transferred its activities to the corporation or partnership.

"**10.9.** The Minister issues an initial qualification certificate in respect of an investment project to a corporation or a partnership if

(1) the project is to be carried out after 21 March 2023 and the corporation or partnership shows, to the Minister's satisfaction, that the activities arising from the project will be carried on in Québec;

(2) the project concerns activities that are not part of the excluded sectors of activity; and

(3) the corporation or partnership shows, to the Minister's satisfaction, that it is likely that, as a result of the carrying out of the project, at or before the end of the investment period of the project, the total capital investments attributable to its carrying out, determined in accordance with section 10.11, will be at least $100,000,000.

"**10.10.** The following sectors are excluded sectors of activity:

(1) the mining, quarrying, and oil and gas extraction sector described under code 21 of the North American Industry Classification System (NAICS) Canada, as amended from time to time and published by Statistics Canada, such a code being in this section referred to as a "NAICS code", except for the extraction of critical and strategic minerals;

(2) the utilities sector described under NAICS code 22;

(3) the construction sector described under NAICS code 23;

(4) the tobacco manufacturing sector described under NAICS code 3122;

(5) the petroleum and coal product manufacturing sector described under NAICS code 3241;

(6) the alumina and aluminum production and processing sector described under NAICS code 3313;

(7) the cigarette and tobacco product merchant wholesalers sector described under NAICS code 4133;

(8) the gasoline stations and fuel vendors sector described under NAICS code 457;

(9) the pipeline transportation sector described under NAICS code 486;

(10) the motion picture and video industries sector described under NAICS code 5121;

(11) the broadcasting and content providers sector described under NAICS code 516;

(12) the computing infrastructure providers, data processing, web hosting, and related services sector described under NAICS code 518;

(13) the finance and insurance sector described under NAICS code 52;

(14) the real estate and rental and leasing sector described under NAICS code 53;

(15) the advertising, public relations, and related services sector described under NAICS code 5418;

(16) the holding companies sector described under NAICS code 551113;

(17) the educational services sector described under NAICS code 61;

(18) the health care and social assistance sector described under NAICS code 62;

(19) the spectator sports sector described under NAICS code 71121;

(20) the gambling industries sector described under NAICS code 7132;

(21) the accommodation and food services sector described under NAICS code 72;

(22) the religious, grant-making, civic, and professional and similar organizations sector described under NAICS code 813; and

(23) the public administration sector described under NAICS code 91.

Activities reasonably attributable to the hosting, production or sharing of content encouraging violence or sexism, racism or any other form of discrimination, supporting an illegal activity or comprising explicit sex scenes

or graphic representations of such scenes, are deemed to be part of an excluded sector.

Antimony, bismuth, cadmium, cesium, copper, gallium, indium, tellurium, tin and zinc are considered to be critical minerals.

Cobalt, graphite (natural), lithium, magnesium, nickel, niobium, platinum group elements, rare earth elements, scandium, tantalum, titanium and vanadium are considered to be strategic minerals.

"**10.11** The total capital investments attributable to the carrying out of a corporation's or a partnership's investment project, at a particular time, correspond to the aggregate of the expenditures of a capital nature incurred, from the beginning of the investment period of the project until that time, to obtain the property required for the carrying out of the investment project.

To be taken into account in computing the total capital investments, an expenditure of a capital nature must be incurred in respect of a property that

(1) is included in a depreciation class listed in Schedule B to the Regulation respecting the Taxation Act (chapter I-3, r. 1);

(2) before its acquisition, was not used for any purpose or acquired to be used or leased for any purpose whatsoever; and

(3) was not acquired in replacement of a property the capital cost of which was taken into consideration in computing that total.

In addition, an expenditure of a capital nature must be subtracted from the total capital investments attributable to the carrying out of an investment project, if the property for whose acquisition the expenditure was incurred ceases to be used primarily in Québec in connection with activities arising from the carrying out of the project before the end of the period of 730 days following the beginning of its use. This rule does not apply if the cessation of use arises from the loss or involuntary destruction of the property by fire, theft or water, or a major breakdown of the property.

However, in computing the total capital investments attributable to the carrying out of an investment project of a corporation or a partnership, the following expenditures are not taken into account:

(1) expenditures incurred with a person with whom the corporation or a corporation that is a member of the partnership is not dealing at arm's length;

(2) financing expenses, including borrowing costs; and

(3) labour expenditures, other than those related to the installation of a property.

For the purposes of subparagraph 3 of the fourth paragraph, a labour expenditure means the salaries or wages incurred in respect of an employee of the corporation or partnership and the consideration incurred for services rendered to the corporation or partnership by a third person.

"**DIVISION III**

"ANNUAL CERTIFICATE

"**10.12** An annual certificate issued to a corporation or a partnership in respect of an investment project certifies that the corporation or partnership is continuing, in the taxation year or fiscal period, as the case may be, for which the application for the certificate is made, to carry out the investment project in respect of which an initial qualification certificate was issued to it. The certificate also confirms that the project is recognized for the year or fiscal period as a large investment project.

In the first annual certificate issued in respect of an investment project, the Minister specifies the date of the beginning of the corporation's or partnership's tax-free period in relation to the project, the total capital investments attributable to its carrying out, determined in accordance with section 10.11, and a breakdown of those expenditures according to where the property that has been or will be acquired is intended to be used primarily.

The date of the beginning of the tax-free period is the date elected by the corporation or partnership in accordance with the fourth paragraph or, if such an election has not been so made, the date of the end of the investment period of the project.

The corporation or partnership elects the date of the beginning of its tax-free period, in relation to the investment project, by entering it in its application for a first annual certificate in respect of the project. The election is only valid if the date is included in the period that begins on the day on which the total capital investments attributable to the carrying out of the project are, for the first time, equal to or greater than $100,000,000 and that ends at the end of the investment period of the project.

"**10.13.** An annual certificate in respect of an investment project may be issued, for a particular taxation year or fiscal period, to a corporation or a partnership, as the case may be, if

(1) the activities arising from the project are carried on in Québec; and

(2) subject to the third paragraph, the total capital investments attributable to the carrying out of the project, at any time in the particular year or fiscal period, are at least $100,000,000.

The Minister may not issue an annual certificate to a corporation or a partnership, in respect of an investment project, for a taxation year or fiscal period that is subsequent to the investment period of the project unless the total capital investments attributable to the carrying out of the project have reached at least, at or before the end of that period, $100,000,000. In addition, the Minister may issue an annual certificate in respect of an investment project only for a taxation year or fiscal period that is included in whole or in part in the corporation's or partnership's tax-free period in relation to the project.

In addition, where a corporation's taxation year or a partnership's fiscal period is included only in part in the investment period of a project, the first annual certificate, in relation to the investment project, may be issued for the year or fiscal period, as the case may be, only if the requirement of subparagraph 2 of the first paragraph is met for that part of the year or fiscal period. The same applies where an annual certificate is to be issued for a taxation year or fiscal period that is included only in part in the corporation's or partnership's tax-free period, in relation to the investment project.

"**10.14.** Where, at a particular time, the first annual certificate that was issued to a corporation or a partnership, as the case may be, for a particular taxation year or fiscal period in respect of an investment project is revoked by the Minister, the following rules apply:

(1) the certificate is deemed never to have been issued;

(2) subject to the first sentence of the second paragraph of section 10.13, the Minister may, for a taxation year or fiscal period that is subsequent to the particular year or fiscal period, issue a first annual certificate to the corporation or partnership in respect of the project or amend an annual certificate that the Minister has already issued to it so that that certificate becomes the corporation's or partnership's first annual certificate if, for that subsequent year or fiscal period, the project meets the requirements of the first paragraph of section 10.13; and

(3) any other annual certificate issued to the corporation or partnership in respect of the project for any taxation year or fiscal period, unless subsequent to the year or fiscal period for which any certificate referred to in subparagraph 2 was issued, is deemed to be revoked by the Minister at that particular time.

The effective date of the deemed revocation under subparagraph 3 of the first paragraph is the date of coming into force of the annual certificate that is deemed to be revoked."

(2) Subsection 1 applies in respect of an investment project for which an application for a qualification certificate is filed after 21 March 2023.

140. (1) Section 3.1 of Schedule H to the Act is amended by inserting the following definition in alphabetical order in the first paragraph:

""aggregator" means a person or a partnership that carries on a business whose activities consist in preparing files for distribution on online video services, in particular reformatting, encoding and uploading files;".

(2) Subsection 1 has effect from 22 March 2023.

141. (1) Section 3.7 of Schedule H to the Act is amended by replacing subparagraph 3 of the second paragraph by the following subparagraph:

"(3) at least 75% of the production costs incurred in respect of the Québec part of the film or, in the case of a serial film, in respect of the Québec part of all the episodes, other than the costs related to financing the film or to stock footage, is paid to individuals who were resident in Québec at the end of the calendar year (in this section referred to as the "particular year") that precedes the year in which the application for a favourable advance ruling or a qualification certificate was filed in respect of the film, or to corporations or partnerships that had an establishment in Québec during the taxation year of the corporation in which the application was filed; and".

(2) Subsection 1 applies in respect of a film for which an application for an advance ruling or, in the absence of such an application, an application for a qualification certificate is filed with the Société de développement des entreprises culturelles after 21 March 2023.

142. (1) Section 3.10 of Schedule H to the Act is amended by replacing subparagraph *b* of subparagraph 2.1 of the first paragraph by the following subparagraph:

"(*b*) in the case of an eligible online video service by another provider, there must be an undertaking by a holder of a general distributor's licence to exploit the film in Québec and an undertaking by the provider or an aggregator to that holder to make the film accessible in Québec through the eligible online video service;".

(2) Subsection 1 applies in respect of a film for which an application for an advance ruling or, in the absence of such an application, an application for a qualification certificate is filed with the Société de développement des entreprises culturelles after 21 March 2023.

143. (1) Section 3.13 of Schedule H to the Act is amended, in the first paragraph,

(1) by replacing subparagraph *b* of subparagraph 1 by the following subparagraph:

"(*b*) at least 75% of the amount that is the total production costs incurred by the corporation referred to in the first paragraph of section 3.2 in respect of the film, excluding the costs listed in subparagraph *a*, the remuneration of the producer and of the creative personnel listed in the second paragraph of section 3.12 and the costs related to financing the film or to stock footage, is paid to individuals who were resident in Québec at the end of the calendar year (in the second paragraph referred to as the "particular year") that precedes the year in which the application for a favourable advance ruling or a qualification certificate was filed in respect of the film, or to corporations or partnerships that had an establishment in Québec during the taxation year of the corporation in which the application was filed; and";

(2) by replacing subparagraph 2 by the following subparagraph:

"(2) in the case of a film with a running time of less than 75 minutes, at least 75% of the amount that is the total production costs incurred by the corporation referred to in the first paragraph of section 3.2 in respect of the film, other than the costs related to financing the film or to stock footage, is paid to individuals who were resident in Québec at the end of the calendar year (in the second paragraph referred to as the "particular year") that precedes the year in which the application for a favourable advance ruling or a qualification certificate was filed in respect of the film, or to corporations or partnerships that had an establishment in Québec during the taxation year of the corporation in which the application was filed."

(2) Subsection 1 applies in respect of a film for which an application for an advance ruling or, in the absence of such an application, an application for a qualification certificate is filed with the Société de développement des entreprises culturelles after 21 March 2023.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

144. (1) Section 33 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5) is amended

(1) by inserting the following definitions in alphabetical order in the first paragraph:

""certificate" for a taxation year or fiscal period of an employer, in relation to a large investment project, within the meaning of paragraph *a* of the definition of that expression, means the certificate that, for the purposes of this section and sections 34 and 34.1.0.3 to 34.1.0.4, is issued by the Minister of Finance,

in relation to the large investment project, for the taxation year or fiscal period, as the case may be;

""computation method election" applicable to an employer's taxation year or fiscal period, in relation to a large investment project, within the meaning of paragraph *a* of the definition of that expression, means the election that the employer makes in relation to the large investment project and to which subparagraph ii of subparagraph *d*.1 of the sixth paragraph of section 34 refers for that year or fiscal period, as the case may be;";

(2) by replacing the definitions of "date of the beginning of the tax-free period" and "date of the end of the start-up period" in the first paragraph by the following definitions:

""date of the beginning of the tax-free period" in respect of a large investment project of an employer means

(*a*) in the case of a large investment project within the meaning of paragraph *a* of the definition of that expression, the date that is specified as such in the first certificate, in relation to the large investment project, or in the qualification certificate issued to the employer, in relation to the project, where the employer acquired all or substantially all of the recognized business in relation to the project and where the Minister of Finance authorized the transfer of the carrying out of the project to the employer, according to the qualification certificate; or

(*b*) in the case of a large investment project within the meaning of paragraph *b* of the definition of that expression, the date of the beginning of the tax-free period within the meaning of section 737.18.17.14 of the Taxation Act, in relation to the large investment project;

""date of the end of the start-up period" of a large investment project of an employer, within the meaning of paragraph *a* of the definition of that expression, means the date that is specified as such in the first certificate, in relation to the large investment project, or in the qualification certificate issued to the employer, in relation to the project, where the employer acquired all or substantially all of the recognized business in relation to the project and where the Minister of Finance authorized the transfer of the carrying out of the project to the employer, according to the qualification certificate;";

(3) by replacing the definition of "last day of the tax-free period" in the first paragraph by the following definition:

""last day of the tax-free period" in respect of a large investment project means

(*a*) in the case of a large investment project within the meaning of paragraph *a* of the definition of that expression, the last day of the 15-year period that begins on the date of the beginning of the tax-free period in respect of the project; or

(*b*) in the case of a large investment project within the meaning of paragraph *b* of the definition of that expression, the last day of the tax-free period, within the meaning of section 737.18.17.14 of the Taxation Act, in relation to the large investment project;";

(4) by replacing the definition of "recognized business" in the first paragraph by the following definition:

""recognized business" of an employer, in relation to a large investment project, within the meaning of paragraph *a* of the definition of that expression, means a business carried on in Québec by the employer, in connection with which the large investment project was carried out or is in the process of being carried out and in respect of which, unless the employer made a computation method election in relation to the project, the employer keeps separate accounts in relation to the eligible activities that are carried on in the course of carrying on the business and that arise from the project;";

(5) by replacing the definition of "large investment project" in the first paragraph by the following definition:

""large investment project" of an employer means

(*a*) for the purpose of applying subparagraph *d*.1 of the sixth paragraph of section 34 and sections 34.1.0.3 to 34.1.0.4, an investment project in respect of which a qualification certificate has been issued to the employer by the Minister of Finance for that purpose; or

(*b*) for the purpose of applying subparagraph *d*.2 of the sixth paragraph of section 34 and sections 34.1.0.5 and 34.1.0.6, an investment project in respect of which a qualification certificate has been issued to the employer by the Minister of Finance for that purpose;";

(6) by inserting the following definitions in alphabetical order in the first paragraph:

""maximum annual contribution exemption amount" of an employer for a taxation year or fiscal period, in relation to a large investment project, means

(*a*) in the case of a large investment project within the meaning of paragraph *a* of the definition of that expression, the amount determined, for the year or fiscal period, as the case may be, in respect of the large investment project, by the formula in the second paragraph of section 34.1.0.3.1; or

(*b*) in the case of a large investment project within the meaning of paragraph *b* of the definition of that expression, the amount determined, for the year or fiscal period, as the case may be, in respect of the large investment project, by the formula in the second paragraph of section 34.1.0.5;

""“maximum annual tax exemption amount” of an employer for a taxation year, in relation to a large investment project, means

(*a*) in the case of a large investment project within the meaning of paragraph *a* of the definition of that expression, the amount determined for the year, in respect of the large investment project, by the formula in subparagraph i of subparagraph *b* of the second paragraph of section 737.18.17.5.1, where the project is an employer's project, or in subparagraph ii of that subparagraph *b*, where the project is that of a partnership of which the employer is a member at the end of the partnership's fiscal period that ends in that year; or

(*b*) in the case of a large investment project within the meaning of paragraph *b* of the definition of that expression, the amount determined for the year, in respect of the large investment project, by the formula in subparagraph i of subparagraph *b* of the first paragraph of section 737.18.17.18, where the project is the employer's project, or in subparagraph ii of that subparagraph *b*, where the project is that of a partnership of which the employer is a member at the end of the partnership's fiscal period that ends in that year;";

(7) by replacing the definition of "tax-free period" in the first paragraph by the following definition:

""“tax-free period” in respect of a large investment project means

(*a*) in the case of a large investment project within the meaning of paragraph *a* of the definition of that expression, a tax-free period within the meaning of Chapter I of Title VII.2.3.1 of Book IV of Part I of the Taxation Act; or

(*b*) in the case of a large investment project within the meaning of paragraph *b* of the definition of that expression, a tax-free period within the meaning of section 737.18.17.14 of the Taxation Act, in relation to the large investment project;";

(8) by inserting the following definition in alphabetical order in the first paragraph:

""“investment period” means an investment period within the meaning of section 737.18.17.14 of the Taxation Act;";

(9) by inserting the following definitions in alphabetical order in the first paragraph:

""“cumulative total eligible expenses” of an employer at the end of a particular taxation year or fiscal period, in respect of a large investment project, within the meaning of paragraph *b* of the definition of that expression, means the cumulative total eligible expenses of the employer within the meaning of section 737.18.17.14 of the Taxation Act, in relation to the large investment project;

““qualified corporation” for a taxation year means a qualified corporation for the year, within the meaning of section 737.18.17.14 of the Taxation Act, that holds a certificate which, for the purposes of this section and sections 34, 34.1.0.5 and 34.1.0.6, is issued by the Minister of Finance for the year in relation to a large investment project, within the meaning of paragraph *b* of the definition of that expression;

““qualified partnership” for a fiscal period means a qualified partnership for the fiscal period, within the meaning of section 737.18.17.14 of the Taxation Act, that holds a certificate which, for the purposes of this section and sections 34, 34.1.0.5 and 34.1.0.6, is issued by the Minister of Finance for the fiscal period in relation to a large investment project, within the meaning of paragraph *b* of the definition of that expression;

““total eligible expenses” at a particular time, in relation to a large investment project, within the meaning of paragraph *b* of the definition of that expression, means total eligible expenses, within the meaning of section 737.18.17.14 of the Taxation Act, in relation to the large investment project;”;

(10) by replacing the definition of “total qualified capital investments” in the first paragraph by the following definition:

““total qualified capital investments” in relation to a large investment project, within the meaning of paragraph *a* of the definition of that expression, means total qualified capital investments, within the meaning of section 737.18.17.1 of the Taxation Act, in relation to the large investment project;”;

(11) by replacing the fifth, sixth and seventh paragraphs by the following paragraphs:

“The expression “eligible activities”, where it applies in relation to a large investment project, within the meaning of paragraph *a* of the definition of that expression in the first paragraph, that concerns the development of a digital platform, only includes activities relating to the maintenance and upgrade of the digital platform components, activities relating to the supply of support and client services, provided that those services concern only the use of the platform, and other similar activities relating to its use, excluding activities that consist in developing the platform.

In this division, the tax assistance limit in relation to a large investment project, within the meaning of paragraph *a* of the definition of that expression in the first paragraph, is determined in accordance with section 737.18.17.8 of the Taxation Act where the tax assistance limit is that of an employer that is a corporation and section 34.1.0.4 where the tax assistance limit is that of an employer that is a partnership.

In this division, two large investment projects, within the meaning of paragraph *a* of the definition of that expression in the first paragraph, that are covered by the same qualification certificate are deemed to be a single large investment project (referred to as a “deemed large investment project”), except

as regards the determination, in respect of each project, of the total qualified capital investments of the employer carrying out the projects, the date of the beginning of the tax-free period and the last day of the tax-free period, and this rule applies throughout the particular period that begins on the date of the beginning of the tax-free period in respect of the large investment project that began first (referred to as the "first large investment project") and that ends on the last day of the tax-free period in respect of the other large investment project (referred to as the "second large investment project").";

(12) by inserting the following paragraph after the seventh paragraph:

"Where an employer has made a computation method election that is applicable to a particular taxation year or fiscal period, in relation to a large investment project, within the meaning of paragraph *a* of the definition of that expression in the first paragraph, such an election is deemed to have been made, for the purposes of this division, in respect of all its other large investment projects; for that purpose, a certificate issued for that year or fiscal period, as the case may be, in relation to another large investment project, within the meaning of that paragraph *a*, is deemed, for the purposes of subparagraph ii of subparagraph *d*.1 of the sixth paragraph of section 34, to certify that such an election was made by the employer."

(2) Subsection 1 has effect from 21 March 2023.

145. (1) Section 33.0.2 of the Act is amended by replacing the portion before subparagraph *a* of the first paragraph by the following:

"**33.0.2.** For the purposes of the definition of "total payroll" in the first paragraph of section 33, this section and sections 33.0.3, 33.0.4 and 34.1.0.3 to 34.1.0.6, the following rules must be taken into consideration:".

(2) Subsection 1 has effect from 21 March 2023.

146. (1) Section 34 of the Act is amended

(1) by replacing subparagraph *d*.1 of the sixth paragraph by the following subparagraph:

"(*d*.1) if an employer carries out, in a taxation year or fiscal period, a large investment project and encloses the prescribed form containing prescribed information with the information return referred to in section 3 of the Regulation respecting contributions to the Québec Health Insurance Plan (chapter R-5, r. 1) that the employer is required to file for the year that includes, at least in part, the taxation year or fiscal period,

i. except where subparagraph ii applies and subject to section 34.1.0.3, in respect of the wages that are paid or deemed to be paid to an employee in respect of the part of the employee's working time devoted exclusively to eligible activities of the employer, in relation to the large investment project, other than construction, expansion or modernization activities in respect of an

immovable where that project will be carried out, and that are paid or deemed to be paid for a pay period comprised in a tax-free period of the employer, for the taxation year or fiscal period, as the case may be, in relation to the project, or

ii. subject to section 34.1.0.3.1, in respect of the wages paid or deemed to be paid to an employee for a pay period comprised in a tax-free period of the employer, for the taxation year or fiscal period, as the case may be, in relation to the large investment project, to the extent that they are not in respect of the part of the employee's working time devoted to construction, expansion or modernization activities in respect of an immovable where that project will be carried out, if the certificate that was issued for the taxation year or fiscal period, in relation to the project, certifies that the employer elected to use the alternate computation method provided for in section 34.1.0.3.1;";

(2) by inserting the following subparagraph after subparagraph *d*.1 of the sixth paragraph:

"(*d*.2) subject to section 34.1.0.5, in respect of the wages paid or deemed to be paid by an employer that is a qualified corporation or a qualified partnership, in relation to a large investment project of the employer, if the wages are paid or deemed to be paid to an employee for a pay period comprised in a tax-free period of the employer, for a taxation year or fiscal period, as the case may be, in relation to the project, to the extent that they are not referred to in subparagraph *d*.1 and are not in respect of the part of the employee's working time devoted to construction, expansion or modernization activities in respect of an immovable where that project will be carried out and if the employer encloses the prescribed form containing prescribed information with the information return referred to in section 3 of the Regulation respecting contributions to the Québec Health Insurance Plan that the employer is required to file for the year that includes, at least in part, the taxation year or fiscal period; and";

(3) by replacing the portion of the eighth paragraph before subparagraph *a* by the following:

"For the purposes of subparagraphs *d*.1 and *d*.2 of the sixth paragraph, the following rules must, where applicable, be taken into consideration:";

(4) by replacing the portion of subparagraph *c* of the eighth paragraph before subparagraph i by the following:

"(*c*) the wages paid or deemed to be paid to an employee in respect of the part of the employee's working time devoted to eligible activities of an employer referred to in subparagraph i of that subparagraph *d*.1, in relation to a deemed large investment project of the employer within the meaning of the seventh paragraph of section 33, for a pay period that ends after the last day of the tax-free period in respect of the first large investment project (in this section referred to as the "particular day") is deemed to be equal to either".

(2) Subsection 1 has effect from 21 March 2023.

147. (1) Section 34.1.0.3 of the Act is amended by inserting "subparagraph i of" after "under" in the first paragraph.

(2) Subsection 1 has effect from 21 March 2023.

148. (1) The Act is amended by inserting the following section after section 34.1.0.3:

"**34.1.0.3.1.** The aggregate of all amounts each of which is a contribution that, under subparagraph ii of subparagraph *d*.1 of the sixth paragraph of section 34, is not payable by an employer for a particular taxation year or fiscal period may not exceed the employer's contribution holiday amount for the particular taxation year or fiscal period, as the case may be, in respect of one or more large investment projects of the employer that are referred to in that subparagraph *d*.1.

For the purposes of this section, an employer's contribution holiday amount for a particular taxation year or fiscal period, in respect of one or more large investment projects of the employer, is equal to the aggregate of all amounts each of which is an amount that, for the particular taxation year or fiscal period, as the case may be, in relation to any of those large investment projects, is determined by the formula

$(A \times B/C) - D$.

In the formula in the second paragraph,

(*a*) A is the unused portion of the employer's tax assistance limit, for the particular taxation year or fiscal period, in relation to the large investment project, that is determined under the fourth paragraph;

(*b*) B is the number of days in the period that begins on the first day of the employer's first taxation year, or first fiscal period, to which the computation method election applies, in relation to the large investment project, or, if it is later, on the date of the beginning of the tax-free period in respect of the project, and that ends on the earlier of

i. the last day of the particular taxation year or fiscal period, and

ii. the last day of the tax-free period in respect of the large investment project;

(*c*) C is the number of days in the period that begins on the first day of the employer's first taxation year, or first fiscal period, to which the computation method election applies, in relation to the large investment project, or, if it is later, on the date of the beginning of the tax-free period in respect of the project, and that ends on the last day of the tax-free period in respect of the project; and

(*d*) D is the cumulative value of the employer's tax assistance for the particular taxation year or fiscal period, in respect of the large investment project, that is determined under the fifth paragraph.

The unused portion of an employer's tax assistance limit for a particular taxation year or fiscal period, in relation to a large investment project, is, subject to the eighth paragraph, either the amount (in this paragraph referred to as the "particular amount") that would be the balance of the employer's tax assistance limit in respect of the large investment project, determined in accordance with the third paragraph of section 34.1.0.3, for its first taxation year or its first fiscal period to which the computation method election in relation to the project applies (in this paragraph referred to, as the case may be, as the "first year" or "first period"), if the employer had not made such an election and if, as the case may be, subparagraph i of subparagraph *a* or subparagraph ii of subparagraph *b* of that third paragraph were read without reference to "the particular taxation year or" or "the particular fiscal period or", or, in the case of a deemed large investment project within the meaning of the seventh paragraph of section 33, where the first year or first period is not later than the taxation year or fiscal period, as the case may be, that includes the date of the beginning of the tax-free period in respect of the second large investment project and where the particular taxation year or fiscal period is not the first year or first period and is referred to in subparagraph *a* or *b*, whichever of the following amounts is applicable:

(*a*) where the particular taxation year or fiscal period begins before the date of the beginning of the tax-free period in respect of the second large investment project and ends on that date or later, the total of the particular amount and the amount determined by the formula

E × F;

(*b*) where the particular taxation year or fiscal period begins on the date of the beginning of the tax-free period in respect of the second large investment project or later, the total of the particular amount and the employer's tax assistance limit in relation to that second large project.

The cumulative value of an employer's tax assistance, for a particular taxation year or fiscal period, in respect of a large investment project of the employer, is equal to

(*a*) where the employer is a corporation, the aggregate of

i. the aggregate of all amounts each of which is, in respect of the large investment project, for the taxation year or a preceding taxation year to which the computation method election in relation to the project applies, equal to the amount determined by the formula

G × H × I,

ii. the aggregate of all amounts each of which is, in respect of the large investment project, for a preceding taxation year to which the computation method election in relation to the project applies, equal to the amount determined by the formula

J × K,

iii. where, at any time in the particular taxation year, the employer transfers its recognized business in relation to the large investment project to another corporation or a partnership, the amount that was transferred to the other corporation or the partnership pursuant to the agreement referred to in section 737.18.17.12 of the Taxation Act (chapter I-3) in respect of the transfer, and

iv. in the case of a deemed large investment project within the meaning of the seventh paragraph of section 33, either of the following amounts, if any:

(1) where the particular taxation year includes the last day of the tax-free period in respect of the first large investment project and ends after that day, the amount determined by the formula

L – [(L × M) + (E × N)], or

(2) where the particular taxation year is subsequent to the year that includes the last day of the tax-free period in respect of the first large investment project, the amount determined by the formula

L – E; or

(*b*) where the employer is a partnership, the aggregate of

i. the aggregate of all amounts each of which is, in respect of the large investment project, for a preceding fiscal period to which the computation method election in relation to the project applies, equal to the amount determined by the formula

J × K,

ii. the aggregate of all amounts each of which is the amount agreed on, in respect of the particular fiscal period or a preceding fiscal period to which the computation method election in relation to the large investment project applies, pursuant to an agreement referred to in section 737.18.17.10.1 of the Taxation Act,

iii. where, at any time in the particular fiscal period, the employer transfers its recognized business in relation to the large investment project to a corporation or another partnership, the amount that was transferred to the corporation or the other partnership pursuant to the agreement referred to in section 737.18.17.12 of the Taxation Act in respect of the transfer, and

iv. in the case of a deemed large investment project within the meaning of the seventh paragraph of section 33, either of the following amounts, if any:

(1) where the particular fiscal period includes the last day of the tax-free period in respect of the first large investment project and ends after that day, the amount determined by the formula

L – [(L × M) + (E × N)], or

(2) where the particular fiscal period is subsequent to the fiscal period that includes the last day of the tax-free period in respect of the first large investment project, the amount determined by the formula

L – E.

In the formulas in the fourth and fifth paragraphs,

(*a*) E is the employer's tax assistance limit in relation to the second large investment project;

(*b*) F is the proportion that the number of days in the part of the particular taxation year or fiscal period that begins on the date of the beginning of the tax-free period in respect of the second large investment project is of the number of days in that taxation year or fiscal period;

(*c*) G is 1, unless the employer has an establishment situated outside Québec for the taxation year, in which case it is the proportion that the employer's business carried on in Québec is of the aggregate of the employer's business carried on in Canada or in Québec and elsewhere, as determined under subsection 2 of section 771 of the Taxation Act for the taxation year;

(*d*) H is the aggregate of

i. 3.2% of the amount by which the amount that would be determined in respect of the employer for the taxation year under section 771.2.1.2 of the Taxation Act if, for the purposes of paragraph *b* of that section, the employer's taxable income for the taxation year, for the purposes of Part I of that Act, were computed without reference to section 737.18.17.5 of that Act, exceeds the amount that is determined in respect of the employer for the taxation year under that section 771.2.1.2, and

ii. 11.5% of the amount by which the amount deducted by the employer in computing taxable income for the taxation year under section 737.18.17.5 of the Taxation Act exceeds the excess amount determined under subparagraph i;

(*e*) I is the proportion that the employer's maximum annual tax exemption amount for the taxation year, in relation to the large investment project, is of the aggregate of all amounts each of which is the employer's maximum annual tax exemption amount for the taxation year, in relation to a large investment project of the employer or of a partnership of which the employer is a member,

that is referred to in the first paragraph of section 737.18.17.5 of the Taxation Act for the taxation year;

(*f*) J is the aggregate of the amounts that are not payable by the employer for the preceding taxation year or fiscal period under subparagraph ii of subparagraph *d*.1 of the sixth paragraph of section 34;

(*g*) K is the proportion that the employer's maximum annual contribution exemption amount for the preceding taxation year or fiscal period, in relation to the large investment project, is of the aggregate of all amounts each of which is the employer's maximum annual contribution exemption amount for the preceding taxation year or fiscal period, in relation to a large investment project of the employer that is referred to in subparagraph *d*.1 of the sixth paragraph of section 34 for the taxation year or fiscal period;

(*h*) L is

i. where the particular taxation year or fiscal period is referred to in subparagraph 1 of subparagraph iv of subparagraph *a* or *b*, as the case may be, of the fifth paragraph, the amount by which the unused portion of the employer's tax assistance limit, in relation to the deemed large investment project, for the particular taxation year or fiscal period, exceeds the cumulative value of the employer's tax assistance for the taxation year or fiscal period, as the case may be, in respect of the project, determined without reference to that subparagraph 1, or

ii. where the particular taxation year or fiscal period is referred to in subparagraph 2 of subparagraph iv of subparagraph *a* or *b*, as the case may be, of the fifth paragraph, the amount by which the unused portion of the employer's tax assistance limit, in relation to the deemed large investment project, for the first taxation year or first fiscal period that follows the taxation year or fiscal period, as the case may be, that includes the last day of the tax-free period in respect of the first large investment project, exceeds the cumulative value of the employer's tax assistance for the first taxation year or first fiscal period in respect of the project, determined without reference to that subparagraph 2;

(*i*) M is the proportion that the number of days in the part of the particular taxation year or fiscal period that ends on the last day of the tax-free period in respect of the first large investment project is of the number of days in the taxation year or fiscal period; and

(*j*) N is the proportion that the number of days in the particular taxation year or fiscal period that follow the last day of the tax-free period in respect of the first large investment project is of the number of days in the taxation year or fiscal period.

Where, at any time of a particular day, an employer (in this paragraph referred to as the "acquirer") acquired all or substantially all of a recognized business from another employer (in this paragraph referred to as the "vendor"), in relation to a large investment project, and where the Minister of Finance previously

authorized the transfer of the carrying out of the large investment project to the acquirer, according to a qualification certificate issued by that Minister to the acquirer in respect of the project, the following rules must, where applicable, be taken into consideration for the purposes of subparagraphs *b* and *c* of the third paragraph:

(*a*) where subparagraph ii of subparagraph *d*.1 of the sixth paragraph of section 34 applies to the vendor,

i. the vendor's taxation year or fiscal period that includes that time is deemed to end on the particular day, and

ii. the vendor's last day of the tax-free period, in respect of the large investment project, is deemed to be the particular day; and

(*b*) where subparagraph ii of subparagraph *d*.1 of the sixth paragraph of section 34 applies to the acquirer, the acquirer's taxation year or fiscal period that includes that time is deemed to begin on the particular day.

Where the first taxation year or first fiscal period to which the computation method election applies, in relation to a large investment project of an employer, ends before the date of the end of the start-up period of the large investment project, the unused portion of the employer's tax assistance limit, in relation to the project, must be increased, for a particular taxation year or fiscal period that is subsequent to that first taxation year or first fiscal period, as the case may be, by the amount that is the product obtained by multiplying by 15% the amount that would be the employer's total qualified capital investments on the date of the end of the start-up period or, if it is earlier, the date of the end of the particular taxation year or fiscal period, if the definition of "total qualified capital investments" in the first paragraph of section 737.18.17.1 of the Taxation Act were read as if "from the beginning of the carrying out of the large investment project" were replaced by "from the time that immediately follows the end of the employer's first taxation year, or first fiscal period, to which the computation method election applies".

For the purpose of applying subparagraphs *b* and *c* of the third paragraph to a deemed large investment project within the meaning of the seventh paragraph of section 33, the following rules must be taken into consideration:

(*a*) the date of the beginning of the tax-free period that is referred to in those subparagraphs is the date that is determined in respect of the first large investment project; and

(*b*) the last day of the tax-free period that is referred to in those subparagraphs is the day that is determined in respect of the second large investment project, unless the particular year or fiscal period precedes the year or period for which a first certificate has been issued in relation to the project, in which case it is the day that is determined in respect of the first large investment project."

(2) Subsection 1 has effect from 21 March 2023.

149. (1) The Act is amended by inserting the following sections after section 34.1.0.4:

"**34.1.0.5.** The aggregate of all amounts each of which is a contribution that, under subparagraph *d*.2 of the sixth paragraph of section 34, is not payable by an employer for a particular taxation year or fiscal period may not exceed the amount determined in accordance with the second paragraph in respect of the employer for the particular taxation year or fiscal period, as the case may be, in relation to one or more large investment projects of the employer that are referred to in that subparagraph *d*.2.

For the purposes of this section, the amount to which the first paragraph refers in respect of an employer for a particular taxation year or fiscal period, in relation to one or more large investment projects of the employer, is equal to the aggregate of all amounts each of which is an amount that, for the particular taxation year or fiscal period, as the case may be, in relation to any of those large investment projects, is determined by the formula

$(A \times B/C) - D$.

In the formula in the second paragraph,

(*a*) A is the employer's total tax assistance for the particular taxation year or fiscal period, in respect of the large investment project, that is determined under section 34.1.0.6;

(*b*) B is the number of days in the period that begins on the date of the beginning of the tax-free period, in respect of the large investment project, and that ends on the last day of the particular taxation year or fiscal period or, if it is earlier, on the last day of the tax-free period, in respect of the project;

(*c*) C is the number of days in the period that begins on the date of the beginning of the tax-free period in respect of the large investment project and that ends on the last day of the tax-free period in respect of the project; and

(*d*) D is

i. where the employer is a corporation, the aggregate of

(1) the aggregate of all amounts each of which is, for the particular taxation year or a preceding taxation year, in relation to the large investment project, equal to the amount determined by the formula

$E \times F \times G$,

(2) the aggregate of all amounts each of which is, for a preceding taxation year, in relation to the large investment project, equal to the amount determined by the formula

H × I, and

(3) where, at any time in the particular taxation year, the employer transfers all or substantially all of the employer's activities arising from the carrying out of the large investment project to another corporation or a partnership, the amount that was transferred to the other corporation or the partnership pursuant to the agreement referred to in section 737.18.17.21 of the Taxation Act (chapter I-3) in respect of the transfer, or

ii. where the employer is a partnership, the aggregate of

(1) the aggregate of all amounts each of which is, for a preceding fiscal period, in relation to the large investment project, equal to the amount determined by the formula

H × I,

(2) the aggregate of all amounts each of which is the amount agreed on, in respect of the particular fiscal period or a preceding fiscal period, in relation to the large investment project, pursuant to an agreement referred to in section 737.18.17.20 of the Taxation Act, and

(3) where, at any time in the particular fiscal period, the employer transfers the employer's activities arising from the carrying out of the large investment project to a corporation or another partnership, the amount that was transferred to the corporation or the other partnership pursuant to the agreement referred to in section 737.18.17.21 of the Taxation Act in respect of the transfer.

In the formulas in the third paragraph,

(*a*) E is 1, unless the employer has an establishment situated outside Québec for the taxation year, in which case it is the proportion that the employer's business carried on in Québec is of the aggregate of the employer's business carried on in Canada or in Québec and elsewhere, as determined under subsection 2 of section 771 of the Taxation Act for the taxation year;

(*b*) F is the aggregate of

i. 3.2% of the amount by which the amount that would be determined in respect of the employer for the taxation year under section 771.2.1.2 of the Taxation Act if, for the purposes of paragraph *b* of that section, the employer's taxable income for the taxation year, for the purposes of Part I of that Act, were computed without reference to section 737.18.17.17 of that Act, exceeds the amount that is determined in respect of the employer for the taxation year under that section 771.2.1.2, and

ii. 11.5% of the amount by which the amount deducted by the employer in computing taxable income for the taxation year under section 737.18.17.17 of the Taxation Act exceeds the excess amount determined under subparagraph i;

(*c*) G is the proportion that the employer's maximum annual tax exemption amount for the taxation year, in relation to the large investment project, is of the aggregate of all amounts each of which is the employer's maximum annual tax exemption amount for the taxation year, in relation to a large investment project of the employer or of a partnership of which the employer is a member, that is referred to in the first paragraph of section 737.18.17.17 of the Taxation Act for the taxation year;

(*d*) H is the aggregate of the amounts that are not payable by the employer for the preceding taxation year or fiscal period under subparagraph *d*.2 of the sixth paragraph of section 34; and

(*e*) I is the proportion that the employer's maximum annual contribution exemption amount for the preceding taxation year or fiscal period, in relation to the large investment project, is of the aggregate of all amounts each of which is the employer's maximum annual contribution exemption amount for the preceding taxation year or fiscal period, in relation to a large investment project of the employer that is referred to in subparagraph *d*.2 of the sixth paragraph of section 34 for the taxation year or fiscal period.

Where, at any time of a particular day, an employer (in this paragraph referred to as the "acquirer") acquired all or substantially all of the activities arising from the carrying out of a large investment project from another employer (in this paragraph referred to as the "vendor"), and where the Minister of Finance previously authorized the transfer of those activities to the acquirer, according to a qualification certificate issued by that Minister to the acquirer in respect of the project, the following rules must, where applicable, be taken into consideration for the purposes of subparagraphs *b* and *c* of the third paragraph:

(*a*) the vendor's taxation year or fiscal period that includes that time is deemed to end on the particular day;

(*b*) the vendor's last day of the tax-free period, in relation to the large investment project, is deemed to correspond to the particular day;

(*c*) the acquirer's taxation year or fiscal period that includes that time is deemed to begin on the particular day; and

(*d*) the date of the beginning of the acquirer's tax-free period, in relation to the large investment project, is deemed to correspond to the date of the particular day.

"**34.1.0.6.** An employer's total tax assistance for a taxation year or fiscal period, in respect of a large investment project, is equal either to the product obtained by multiplying the employer's cumulative total eligible expenses at the end of the taxation year or fiscal period, as the case may be, in respect of the large investment project, by the rate provided for in section 737.18.17.19 of the Taxation Act (chapter I-3), in relation to the project, or, where the employer acquired all or substantially all of the activities arising from the carrying out of the project, subject to the second paragraph, the amount transferred to the employer pursuant to the agreement referred to in section 737.18.17.21 of the Taxation Act in respect of the transfer.

Where an employer has acquired all or substantially all of the activities arising from the carrying out of a large investment project before the end of the investment period in respect of that project, the amount that was transferred to the employer pursuant to the agreement referred to in section 737.18.17.21 of the Taxation Act in respect of the transfer, for any taxation year that ends on or after the day of the transfer, must be increased by an amount equal to the product obtained by multiplying by the rate provided for in section 737.18.17.19 of that Act, in respect of the project, the amount that would be the employer's total eligible expenses, in respect of the large investment project, at the end of the investment period if the definition of "total eligible expenses" in the first paragraph of section 737.18.17.14 of the Taxation Act were read as if "in the investment period" were replaced by "in the part of the investment period that follows the day of the transfer"."

(2) Subsection 1 has effect from 21 March 2023.

150. (1) Section 37.4 of the Act is amended, in subparagraph *a* of the first paragraph,

(1) by replacing subparagraphs i to iv by the following subparagraphs:

"i. $18,910 where, for the year, the individual has no eligible spouse and no dependent child,

"ii. $30,640 where, for the year, the individual has no eligible spouse but has one dependent child,

"iii. $34,545 where, for the year, the individual has no eligible spouse but has more than one dependent child,

"iv. $30,640 where, for the year, the individual has an eligible spouse but has no dependent child, and";

(2) by replacing subparagraphs 1 and 2 of subparagraph v by the following subparagraphs:

"(1) $34,545 where the individual has one dependent child for the year, or

"(2) $38,150 where the individual has more than one dependent child for the year; and".

(2) Subsection 1 applies from the year 2023.

ACT RESPECTING THE QUÉBEC PENSION PLAN

151. (1) The Act respecting the Québec Pension Plan (chapter R-9) is amended by replacing the heading of Division 0.1 of Title III by the following heading:

"GENERAL RULES".

(2) Subsection 1 applies from the year 2024.

152. (1) The Act is amended by inserting the following section before section 37.1:

"**37.0.1.** No contribution is payable under this Title by a worker or, where the worker is an employee, by his employer for any year subsequent to the year in which the worker reaches 72 years of age."

(2) Subsection 1 applies from the year 2024.

153. (1) Section 45 of the Act is amended, in the second paragraph,

(1) by inserting "in any of the following cases:" after "of the worker" in the portion before subparagraph *a*;

(2) by replacing "plan, or" in subparagraph *c* by "plan;";

(3) by adding the following subparagraph at the end:

"(*e*) in the case of income or an amount that constitutes an amount excluded from the worker's salary and wages described in the fourth paragraph of section 50 by reason of the application of subparagraph *c* of the fifth paragraph of that section."

(2) Subsection 1 applies from the year 2024.

154. (1) The Act is amended by inserting the following heading before section 47:

"*Self-employed earnings and earnings as a family-type resource or an intermediate resource*".

(2) Subsection 1 applies from the year 2024.

155. (1) The Act is amended by inserting the following heading before section 48:

"*Pensionable self-employed earnings and pensionable earnings as a family-type resource or an intermediate resource*".

(2) Subsection 1 applies from the year 2024.

156. (1) Section 48 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

"Except where section 48.0.1 applies, the pensionable self-employed earnings of a worker for a year are his self-employed earnings, excluding income referred to in subparagraphs *a* and *b* of the second paragraph of section 45.";

(2) by adding the following paragraph at the end:

"Despite the first and second paragraphs, the pensionable self-employed earnings of a worker for a year are equal to

(*a*) where the year is that in respect of which the worker made an election under the first paragraph of section 49.1, the amount obtained by multiplying the amount of his self-employed earnings by the proportion that the number of months in the year, other than those that, by reason of a disability of the worker, are excluded from the worker's base contributory period under subparagraph *a* of the third paragraph of section 101, that precede the month in which the election is deemed, under the fourth paragraph of section 49.1, to have been made bears to 12; or

(*b*) where the year is that in respect of which the worker revoked such an election under section 49.2, the amount obtained by multiplying the amount of his self-employed earnings by the proportion that the number of months in the year that are subsequent to the month preceding the month in which the election is deemed, under the third paragraph of section 49.2, to have been revoked bears to 12."

(2) Subsection 1 applies from the year 2024.

157. (1) The Act is amended by inserting the following section after section 48:

"**48.0.1.** The pensionable self-employed earnings for a year of a worker who has made an election under the first paragraph of section 49.1 are nil if the year is a year that

(*a*) is subsequent to the year in respect of which the worker made the election; and

(*b*) is not a year in respect of which the worker revoked the election under section 49.2.”

(2) Subsection 1 applies from the year 2024.

158. (1) Section 48.1 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“Except where section 48.2 applies, the pensionable earnings as a family-type resource or an intermediate resource of a worker for a year are his earnings as such a resource, excluding income referred to in subparagraphs *a* and *b* of the second paragraph of section 45.”;

(2) by adding the following paragraph at the end:

“Despite the first and second paragraphs, the pensionable earnings as a family-type resource or an intermediate resource of a worker for a year are equal to

(*a*) where the year is that in respect of which the worker made an election under the second paragraph of section 49.1, the amount obtained by multiplying the amount of his earnings as such a resource by the proportion that the number of months in the year, other than those that, by reason of a disability of the worker, are excluded from the worker’s base contributory period under subparagraph *a* of the third paragraph of section 101, that precede the month in which the election is deemed, under the fourth paragraph of section 49.1, to have been made bears to 12; or

(*b*) where the year is that in respect of which the worker revoked such an election under section 49.2, the amount obtained by multiplying the amount of his earnings as such a resource by the proportion that the number of months in the year that are subsequent to the month preceding the month in which the election is deemed, under the third paragraph of section 49.2, to have been revoked bears to 12.”

(2) Subsection 1 applies from the year 2024.

159. (1) The Act is amended by inserting the following section after section 48.1:

“**48.2.** The pensionable earnings as a family-type resource or an intermediate resource for a year of a worker who has made an election under the second paragraph of section 49.1 are nil if the year is a year that

(*a*) is subsequent to the year in respect of which the worker made the election; and

(*b*) is not a year in respect of which the worker revoked the election under section 49.2."

(2) Subsection 1 applies from the year 2024.

160. (1) The Act is amended by inserting the following after section 49:

"*Worker's election to cease contributing to the plan*

"**49.1.** A worker may elect, in respect of a year other than an excluded year, to have his self-employed earnings not be considered, from the day provided for in the fourth paragraph, to be pensionable self-employed earnings if

(*a*) the worker reached 65 years of age in the year or a preceding year;

(*b*) a retirement pension is payable to the worker under this Act or a similar plan in the year; and

(*c*) the worker has not made an election under this paragraph in respect of the year.

In addition, a worker may elect, in respect of a year other than an excluded year, to have his earnings as a family-type resource or an intermediate resource not be considered, from the day provided for in the fourth paragraph, to be pensionable earnings as such a resource if the conditions set out in subparagraphs *a* and *b* of the first paragraph are met for the year and the worker has not made an election under this paragraph in respect of the year.

The worker makes the election provided for in the first or second paragraph in the prescribed form that the worker sends to the Minister together with the return of his self-employed earnings or the return of his earnings as a family-type resource or an intermediate resource, as the case may be, which the worker is required to file for the year under section 76.

The election is deemed to have been made on the first day of the month of the year that the worker specifies in the prescribed form. However, where the year is that of the worker's sixty-fifth birthday or the year in which a retirement pension becomes payable to the worker under this Act or a similar plan, the month the worker can specify may precede neither the month of that birthday nor the month in which such a pension becomes payable to the worker.

For the purposes of the first and second paragraphs, the year in respect of which the election is revoked by the worker under section 49.2 is an excluded year.

"**49.2.** A worker who has made an election, in respect of a year, under the first or second paragraph of section 49.1 may, in respect of a particular year subsequent to the year, revoke it.

The worker revokes the election in the prescribed form that the worker sends to the Minister together with the return of his self-employed earnings or the return of his earnings as a family-type resource or an intermediate resource, as the case may be, which the worker is required to file for the particular year under section 76.

An election revoked in accordance with the second paragraph is deemed to be revoked on the first day of the month included in the particular year that the worker specifies in the prescribed form."

(2) Subsection 1 applies from the year 2024.

161. (1) Section 50 of the Act is amended by replacing the fifth paragraph by the following paragraph:

"However, such salary and wages do not include any amount the employer pays to the employee, pays in respect of the employee or is deemed to pay to the employee

(*a*) before the employee reaches 18 years of age;

(*b*) in a month that, because of a disability, is excluded from the employee's base contributory period under subparagraph *a* of the third paragraph of section 101; or

(*c*) at a particular time subsequent to the day that precedes the day on which becomes effective an election the employee made under section 50.0.2 in respect of pensionable employment the employee performs for the employer if, at that time, the election is not revoked in accordance with section 50.0.3."

(2) Subsection 1 applies from the year 2024.

162. (1) The Act is amended by inserting the following before section 50.1:

"*Employee's election to cease contributing to the plan*

"**50.0.2.** An employee may, in a year, make an election, in respect of pensionable employment the employee performs for an employer, to have no amount the employer pays to the employee, pays in respect of the employee or is deemed to pay to the employee be, from the day mentioned in the third paragraph, included in the salary and wages described in the fourth paragraph of section 50, if

(*a*) the employee has reached 65 years of age by the time the employee makes the election or will reach that age in the month that follows that time;

(*b*) a retirement pension is payable to the employee under this Act or a similar plan at the time the employee makes the election or will be payable in the month that follows that time;

(*c*) the employee has not made an election under this section in the year in respect of the pensionable employment; and

(*d*) the employee has not revoked in the year, in accordance with section 50.0.3, an election the employee made in a preceding year under this section in respect of the pensionable employment.

The employee makes the election by filing the prescribed form with the Minister. The employee must send the employer a copy of the form.

The election becomes effective on the first day of the month that follows the date the employee specifies in the prescribed form, which date must correspond to the date on which the employee sends the employer a copy of the form. In addition, where the year in which the election becomes effective is that of the employee's sixty-fifth birthday or the year in which a retirement pension becomes payable to the employee under this Act or a similar plan, the date may precede neither the first day of the month that precedes the birthday nor the first day of the month that precedes the month in which such a pension becomes payable to the employee.

No election may become effective before 1 January 2024.

"**50.0.3.** An employee who has, in a year, made an election under section 50.0.2 in respect of pensionable employment the employee performs for an employer may, in a particular year subsequent to the year, revoke it.

The employee revokes the election by filing the prescribed form with the Minister. The employee must send the employer a copy of the form.

The election is revoked on the first day of the month that follows the date the employee specifies in the prescribed form, which date must correspond to the date on which the employee sends the employer a copy of the form.

"*Deemed employer*".

(2) Subsection 1 has effect from 1 January 2024.

ACT RESPECTING THE QUÉBEC SALES TAX

163. (1) Section 1 of the Act respecting the Québec sales tax (chapter T-0.1), amended by section 1426 of chapter 34 of the statutes of 2023, is again amended by inserting the following paragraph after paragraph 18.5 of the definition of "financial service":

"(18.6) a service (other than a prescribed service) that is supplied by a payment card network operator, within the meaning of section 3 of the Payment Card Networks Act (Statutes of Canada, 2010, chapter 12, section 1834), in respect of a payment card network, within the meaning of that section 3, where the supply includes the provision of

(*a*) a service in respect of the authorization of a transaction in respect of money, an account, a credit card voucher, a charge card voucher or a financial instrument,

(*b*) a clearing or settlement service in respect of money, an account, a credit card voucher, a charge card voucher or a financial instrument, or

(*c*) a service rendered in conjunction with a service referred to in subparagraph *a* or *b*;".

(2) Subsection 1 applies in respect of a service rendered under an agreement for a supply where

(1) all or part of the consideration for the supply becomes due after 28 March 2023 or is paid after that date without having become due; or

(2) all of the consideration for the supply became due or was paid before 29 March 2023. However, for the purposes of Title I of the Act, except for the purposes of sections 18 to 18.0.3, 26 to 26.5, 279.1 to 279.4 and 472 of the Act, subsection 1 does not apply in respect of the service if

(*a*) the supplier did not, before 29 March 2023, charge, collect or remit any amount as or on account of tax under Title I of the Act in respect of the supply; and

(*b*) the supplier did not, before 29 March 2023, charge, collect or remit any amount as or on account of tax under Title I of the Act in respect of any other supply that is made under the agreement and that includes the provision of a service referred to in paragraph 18.6 of the definition of "financial service" in section 1 of the Act, enacted by subsection 1.

(3) Despite the second paragraph of section 25 of the Tax Administration Act (chapter A-6.002), the Minister of Revenue may determine or redetermine any amount in respect of paragraph 18.6 of the definition of "financial service" in section 1 of the Act respecting the Québec sales tax, enacted by subsection 1, for which a person is liable on or before the later of

(1) 7 May 2025; or

(2) the last day of the period otherwise allowed under the second paragraph of that section 25 for making the assessment or reassessment.

164. Section 18 of the Act is amended

(1) by replacing the portion before paragraph 1 by the following:

"**18.** Every recipient of a taxable supply, except a zero-rated supply (other than the zero-rated supply included in paragraph 2.1 or in any of sections 179.1, 179.2 and 191.3.2) or a supply included in any of sections 18.0.1, 18.0.1.1 and 18.0.1.2, shall pay to the Minister, each time all or part of the

consideration for the supply becomes due or is paid without having become due, a tax in respect of the supply equal to the amount determined in accordance with the second paragraph if the supply is";

(2) by adding the following paragraphs at the end:

"The amount to which the first paragraph refers is

(1) in the case of a supply included in subparagraph 1 or 2 of the first paragraph, the amount determined by the formula

A × B × C;

(2) in the case of a supply included in any of subparagraphs 2.1 to 8 of the first paragraph, the amount determined by the formula

A × B × D; or

(3) in the case of a supply included in subparagraph 9 of the first paragraph, the amount obtained by multiplying the value of the consideration by 9.975%.

For the purposes of the formulas in the second paragraph,

(1) A is 9.975%;

(2) B is the value of all or part of the consideration that is paid or becomes due at that time;

(3) C is the extent, expressed as a percentage, to which the recipient acquired the property or service for consumption, use or supply in Québec; and

(4) D is

(*a*) in the case of a supply of corporeal movable property, 100%, or

(*b*) in any other case, the extent, expressed as a percentage, to which the recipient acquired the property for consumption, use or supply in Québec."

165. Section 18.0.1.1 of the Act is amended

(1) by replacing the portion of the second paragraph before the formula by the following:

"Every person that is a provincial stratified investment plan with one or more provincial series as regards Québec at the time an amount of consideration for the supply of property described in any of subparagraphs 2.1 to 8 of the first paragraph of section 18 of which the person is the recipient becomes due or is paid without having become due and that, if the supply is described in subparagraph 3 of the first paragraph of that section, is a registrant shall pay

to the Minister, for that amount of consideration, tax equal to the amount determined by the formula";

(2) by replacing "paragraph 1 or 2" in the sixth paragraph by "subparagraph 1 or 2 of the first paragraph".

166. Section 18.0.1.2 of the Act is amended

(1) by replacing the second paragraph by the following paragraph:

"Every person that is a provincial investment plan as regards Québec at the time an amount of consideration for the supply of property described in any of subparagraphs 2.1 to 8 of the first paragraph of section 18 of which the person is the recipient becomes due or is paid without having become due and that, if the supply is described in subparagraph 3 of the first paragraph of that section, is a registrant shall pay to the Minister, for that amount of consideration, tax calculated at the rate of 9.975% on the value of the consideration that is paid or becomes due at that time.";

(2) by replacing "paragraph 1 or 2" in the fourth paragraph by "subparagraph 1 or 2 of the first paragraph".

167. Section 350.60.4 of the Act is amended

(1) by replacing "without delay after its production" in subparagraph 2 of the first and second paragraphs by "at the time payment of the consideration is due, immediately after the consideration is paid, or, in the case of a supply made for no consideration, without delay after the supply is made";

(2) by striking out ", or a part of them," in the portion of the fifth paragraph before subparagraph 1.

168. Section 350.60.5 of the Act is amended

(1) by replacing "without delay after its production" in subparagraph 2 of the first paragraph by "at the time payment of the consideration is due, immediately after the consideration is paid, or, in the case of a supply made for no consideration, without delay after the supply is made";

(2) by inserting "and where the consideration and the tax in respect of that supply have not been charged to the recipient's account" after "payment" in the portion of the third paragraph before subparagraph 1.

169. (1) Section 350.62 of the Act is amended by adding the following paragraphs at the end:

"Where the person has adjusted, refunded or credited an amount in favour of, or to, the recipient, in accordance with section 447 or 448, in respect of the

supply referred to in the first paragraph for which an invoice has been produced in the manner provided for in that paragraph, the person shall, subject to the prescribed cases and conditions,

(1) send the prescribed information to the Minister in the prescribed manner and at the prescribed time; and

(2) issue to the recipient, within a reasonable time, the credit note referred to in paragraph 1 of section 449 produced in the prescribed manner and containing the prescribed information, unless the recipient issues to the person the debit note referred to in that paragraph 1, and keep a copy of the credit note.

Where the person has, in accordance with paragraph 1 of section 447 or 448, adjusted an amount in favour of the recipient in respect of the supply referred to in the first paragraph for which an invoice has been produced before payment and where the consideration and the tax in respect of that supply have not been charged to the recipient's account, the following rules apply:

(1) despite paragraph 1 of section 449, the person is not required to issue a credit note to the recipient; and

(2) the second paragraph does not apply in respect of the adjustment."

(2) Subsection 1 applies from the date of coming into force of the first regulation made under subparagraph 33.8 of the first paragraph of section 677 of the Act, as concerns the sending and issuance of a credit note.

170. (1) Section 350.63 of the Act, amended by section 137 of chapter 19 of the statutes of 2023, is replaced by the following section:

"**350.63.** No person referred to in section 350.62 and no person acting on that person's behalf may print or send by a technological means the invoice or credit note, containing the prescribed information, referred to in section 350.62 more than once, except when providing it to the recipient for the purposes of that section. If such a person prints or sends by such means a reproduction or duplicate of the invoice or credit note for another purpose, the person shall do so in the prescribed manner and such a document must contain the prescribed information.

No such person may provide a recipient of a supply, in relation to the requirement to provide the recipient with an invoice in accordance with the first paragraph of section 350.62, with another document stating the consideration paid or payable by the recipient for the supply and the tax payable in respect of the supply, except in the prescribed cases and on the prescribed conditions."

(2) Subsection 1 applies from the date of coming into force of the first regulation made under subparagraph 33.8 of the first paragraph of section 677 of the Act, as concerns the sending and issuance of a credit note.

171. (1) Sections 350.65 to 350.67 of the Act are replaced by the following sections:

"**350.65.** Whoever fails to comply with subparagraph 1 of the first or second paragraph of section 350.62 or section 350.70 incurs a penalty of $300; with subparagraph 2 of the first or second paragraph of section 350.62, a penalty of $100; and with section 350.63, a penalty of $200.

"**350.66.** In any proceedings respecting an offence under section 60.3 of the Tax Administration Act (chapter A-6.002), when it refers to section 350.63, an offence under section 60.4 of the Tax Administration Act, when it refers to section 350.62, an offence under section 61.0.0.1 of the Tax Administration Act, when it refers to section 350.62, or an offence under section 485.3, when it refers to section 425.1.1, an affidavit of an employee of the Agence du revenu du Québec attesting that the employee had knowledge that an invoice or credit note was provided to the recipient by a person engaged in a taxi business referred to in section 350.62, or by a person acting on that person's behalf, is proof, in the absence of any proof to the contrary, that the invoice or credit note was produced and provided by the person and that the amount shown in the invoice or credit note as being the consideration or the amount of the refund, adjustment or credit corresponds to the consideration received from the recipient for a supply or to the amount refunded, adjusted or credited to or in favour of the recipient in respect of the supply.

"**350.67.** In proceedings respecting an offence referred to in section 350.66, an affidavit of an employee of the Agence du revenu du Québec attesting that the employee carefully analyzed an invoice or credit note and that it was impossible for the employee to find that it was produced in the manner referred to in section 350.62 is proof, in the absence of any proof to the contrary, that the invoice or credit note was not produced in the manner referred to in that section.

In addition, in proceedings respecting an offence referred to in section 350.66, an affidavit of an employee of the Agence du revenu du Québec attesting that the employee carefully analyzed an invoice or credit note and found that it did not contain the prescribed information referred to in section 350.62 is proof, in the absence of any proof to the contrary, that the invoice or credit note does not contain the prescribed information."

(2) Subsection 1 applies from the date of coming into force of the first regulation made under subparagraph 33.8 of the first paragraph of section 677 of the Act, as concerns the sending and issuance of a credit note.

172. (1) Section 350.70 of the Act is replaced by the following section:

"**350.70.** Every driver referred to in section 350.69 or every person referred to in section 350.62 shall, at the request of a person authorized for that purpose by the Minister,

(1) display a report containing the prescribed information on a device that is part of the equipment described in section 350.61;

(2) provide the authorized person with a printed copy of the report or send it to the authorized person by a technological means; or

(3) send the prescribed information to the Minister in the prescribed manner and at the prescribed time.

In the cases described in subparagraphs 1 and 2 of the first paragraph, the driver or person shall also send the prescribed information to the Minister in the prescribed manner and at the prescribed time."

(2) Subsection 1 applies from the date of coming into force of the first regulation made under subparagraph 33.12 of the first paragraph of section 677 of the Act, enacted by section 187 of this Act.

173. (1) Section 350.72 of the Act is amended, in the second paragraph,

(1) by replacing subparagraph 4 by the following subparagraph:

"(4) the driver refuses to display the report mentioned in section 350.70, to provide a copy of the report or send it in the manner provided for in that section, or to send the Minister the information referred to in section 350.70 in accordance with that section;";

(2) by replacing subparagraph 6 by the following subparagraph:

"(6) the driver produces or displays a document or report, required under any of sections 350.68 to 350.78, that contains inaccurate or incomplete information or sends the Minister such information under section 350.70; or".

(2) Subsection 1 applies from the date of coming into force of the first regulation made under subparagraph 33.12 of the first paragraph of section 677 of the Act, enacted by section 187 of this Act.

174. (1) Section 350.76 of the Act is amended

(1) by adding the following subparagraph at the end of paragraph 1:

"(*c*) unless the person is a driver referred to in section 350.69, refuses to display the report mentioned in section 350.70, provide a copy of the report or send it in the manner provided for in that section, or refuses to send the information referred to in section 350.70 to the Minister in accordance with that section;";

(2) by replacing subparagraph *c* of paragraph 2 by the following subparagraph:

"(*c*) refuses to display the report mentioned in section 350.70, provide a copy of the report or send it in the manner provided for in that section, or

refuses to send the information referred to in section 350.70 to the Minister in accordance with that section; and".

(2) Subsection 1 applies from the date of coming into force of the first regulation made under subparagraph 33.12 of the first paragraph of section 677 of the Act, enacted by section 187 of this Act.

175. (1) Section 350.77 of the Act is amended by replacing paragraph 2 by the following paragraph:

"(2) produces or displays a document or report, required under any of sections 350.68 to 350.78, that contains inaccurate or incomplete information or sends to the Minister such information pursuant to section 350.70."

(2) Subsection 1 applies from the date of coming into force of the first regulation made under subparagraph 33.12 of the first paragraph of section 677 of the Act, enacted by section 187 of this Act.

176. (1) Section 350.78 of the Act is amended by replacing paragraphs 2 and 3 by the following paragraphs:

"(2) an offence under section 60.4 of that Act where it refers to subparagraph 2 of the first or second paragraph of section 350.62; and

"(3) an offence under section 61.0.0.1 of that Act where it refers to section 350.61 or subparagraph 1 of the first or second paragraph of section 350.62."

(2) Subsection 1 applies from the date of coming into force of the first regulation made under subparagraph 33.8 of the first paragraph of section 677 of the Act, as concerns the sending and issuance of a credit note.

177. (1) Section 351 of the Act is amended by striking out subparagraph 5 of the second paragraph.

(2) Subsection 1 has effect from 1 January 2021.

178. (1) Section 383 of the Act is amended

(1) by replacing subparagraph *b* of paragraph 1 of the definition of "home medical supply" by the following subparagraph:

"(*b*) after a medical practitioner acting in the course of the practice of medicine, a specialized nurse practitioner acting in the course of the practice of a specialized nurse practitioner or a prescribed person acting in prescribed circumstances has identified or confirmed that it is appropriate for the process to take place at the individual's place of residence or lodging, other than a hospital centre or qualifying facility;";

(2) by replacing paragraph 2 of the definition of "home medical supply" by the following paragraph:

"(2) the property is made available, or the service is rendered, to the individual at the individual's place of residence or lodging, other than a hospital centre or qualifying facility, on the authorization of a person who is responsible for coordinating the process and under circumstances in which it is reasonable to expect that the person will carry out that responsibility in consultation with, or with ongoing reference to instructions for the process given by, a medical practitioner acting in the course of the practice of medicine, a specialized nurse practitioner acting in the course of the practice of a specialized nurse practitioner or a prescribed person acting in prescribed circumstances;";

(3) by replacing subparagraph iii of subparagraph *b* of paragraph 1 of the definition of "facility supply" by the following subparagraph:

"iii. a specialized nurse practitioner acting in the course of the practice of a specialized nurse practitioner, or";

(4) by replacing subparagraph ii of subparagraph *c* of paragraph 1 of the definition of "facility supply" by the following subparagraph:

"ii. a medical practitioner or specialized nurse practitioner be at, or be on-call to attend at, the hospital centre or qualifying facility at all times when the individual is at the hospital centre or qualifying facility,".

(2) Subsection 1 applies in respect of determining a person's rebate for a claim period ending after 7 April 2022. However, a person's rebate for a claim period that includes 7 April 2022 is to be determined as if subsection 1 did not apply in respect of

(1) an amount of tax that becomes payable by the person before 8 April 2022;

(2) an amount that is deemed to have been paid or collected by the person before 8 April 2022; or

(3) an amount that is required to be added in determining the person's net tax

(*a*) as a result of a division or branch of the person becoming a small supplier division before 8 April 2022; or

(*b*) as a result of the person ceasing to be a registrant before 8 April 2022.

179. (1) Section 399.1 of the Act is amended by striking out the second paragraph.

(2) For the purposes of section 399.1 of the Act, in respect of a rebate of the tax payable under Title I of the Act paid at a particular time, a mandatary of the Gouvernement du Québec listed in Schedule A to the Reciprocal Taxation Agreement (Canada-Québec) in effect at the particular time is deemed to be a

prescribed mandatary, where the mandatary of the Gouvernement du Québec is not listed in Schedule III to the Regulation respecting the Québec sales tax (chapter T-0.1, r. 2) at that time.

180. (1) Section 411 of the Act is amended by adding the following paragraph at the end:

"Despite the first paragraph, no person who is registered, or required to be registered, under Division II of Chapter VIII.1 (other than a Canadian specified supplier) may file an application for registration under the first paragraph unless the person applies to the Minister of National Revenue for registration under subsection 3 of section 240 of the Excise Tax Act."

(2) Subsection 1 has effect from 1 July 2021.

181. (1) Section 477.16 of the Act is amended by adding the following paragraph at the end:

"Where the person or registrant has charged to, or collected from, the other person an amount of tax only because the other person did not at that time provide evidence satisfactory to the Minister of that other person's registration under Division I of Chapter VIII and such evidence is provided later, the amount is deemed, for the purposes of the first paragraph, to exceed the tax the person or registrant was required to collect."

(2) Subsection 1 has effect from 1 January 2019. In addition, where the third paragraph of section 477.16 of the Act applies, the two-year period provided for in the first paragraph of that section is deemed not to end before 7 November 2024 if that period started before 7 May 2024 and if, in that two-year period, the person or registrant refused to adjust the amount of tax charged or to refund the excess amount to the other person.

182. (1) Section 486 of the Act is amended

(1) by inserting the following definitions in alphabetical order:

""consumption on the premises" means, as the case may be,

(1) the use or consumption of an alcoholic beverage in an establishment for which a person is required to hold one of the following permits:

(*a*) a permit authorizing the sale of alcoholic beverages for consumption on the premises, other than an event permit, issued under the Act respecting liquor permits (chapter P-9.1),

(*b*) an event permit authorizing the sale of alcoholic beverages for consumption on the premises issued under the Act respecting liquor permits, unless the alcoholic beverages are destined to be served free of charge,

(*c*) a permit referred to in section 2.0.1 of the Act respecting offences relating to alcoholic beverages, which corresponds to a permit provided for in subparagraph *a* or *b,*

(*d*) a small-scale production permit issued under the Act respecting the Société des alcools du Québec (chapter S-13), or

(*e*) a brewer's permit issued under the Act respecting the Société des alcools du Québec; or

(2) the use or consumption of an alcoholic beverage with food for takeout or delivery, sold as an accompaniment to food prepared by a person required to hold one of the following permits:

(*a*) a restaurant permit issued under the Act respecting liquor permits, or

(*b*) a permit referred to in section 2.0.1 of the Act respecting offences relating to alcoholic beverages, which corresponds to the permit provided for in subparagraph *a*;

""First Nations member" means an Indian within the meaning of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5);";

(2) by inserting the following definitions in alphabetical order:

""computing solution" means the computer system determined by the Minister for the purposes of the program for administering the consumption tax exemption for First Nations;

""program for administering the consumption tax exemption for First Nations" means the program under which the sale of alcoholic beverages to a First Nations member by a vendor is exempt, in the circumstances described in section 492.1, from collection of the specific tax provided for in section 487;

""reserve" has the meaning assigned by the regulations made by the Government for the purposes of section 10.2 of the Fuel Tax Act (chapter T-1);".

(2) Subsection 1 has effect from 1 July 2023.

183. (1) The Act is amended by inserting the following sections after section 492:

"**492.1.** Despite section 492, a vendor holding a registration certificate referred to in section 493 who, in the course of a business the vendor operates in an establishment situated on a reserve, engages, from that establishment, in the retail sale of an alcoholic beverage to a First Nations member, otherwise than for consumption on the premises, is not required to collect the specific tax provided for in section 487 in respect of the sale where the First Nations member presents to the vendor, at the time of the sale, the registration certificate

for the program for administering the consumption tax exemption for First Nations and where the prescribed conditions are met in respect of the sale.

"**492.2.** To obtain a registration certificate for the program for administering the consumption tax exemption for First Nations, a First Nations member shall make an application to that effect to the Minister in the prescribed form containing prescribed information and provide the prescribed documents."

(2) Subsection 1 has effect from 1 July 2023. However, a First Nations member holding a registration certificate for the Indian tax exemption management program, within the meaning assigned by subparagraph *o*.0.1 of the first paragraph of section 1 of the Fuel Tax Act (chapter T-1), as it read before 1 July 2023, is deemed, until its replacement by a registration certificate for the program for administering the consumption tax exemption for First Nations, to hold a registration certificate for the latter program.

184. (1) The Act is amended by inserting the following section after section 494:

"**494.0.1.** A vendor who engages in the retail sale of alcoholic beverages on a reserve during a period determined by the Minister, otherwise than for consumption on the premises, and who, throughout that period, uses the computing solution in respect of the sales made to a First Nations member (in this section referred to as "particular sales") is deemed, in respect of the period and the last day of the period, to claim a refund of the part of the amount paid under section 497 to a collection officer holding a registration certificate that is equal to the specific tax provided for in section 487 that has not been collected because of section 492.1 in respect of the particular sales."

(2) Subsection 1 has effect from 1 July 2023.

185. Section 541.47.11 of the Act is amended by replacing paragraph 1 by the following paragraph:

"(1) in the case of

(*a*) the supply of a service or incorporeal movable property described in subparagraph 1 or 2 of the first paragraph of section 18, the recipient of the supply is resident in the reserve and acquires the supply for consumption, use or supply to an extent of at least 10% in the reserve,

(*b*) the supply of a property described in subparagraph 3 of the first paragraph of section 18, physical possession of the property was transferred to the recipient of the supply in the reserve,

(*c*) the supply of a property described in subparagraph 3.1 of the first paragraph of section 18, physical possession of the property was transferred to a third person in the reserve,

(*d*) the supply of a property described in subparagraph 4 of the first paragraph of section 18, physical possession of the property was transferred to the recipient in the reserve,

(*e*) the supply of a property described in subparagraph 5 or 6 of the first paragraph of section 18, the recipient of the supply is resident in the reserve or is a registrant and the property is delivered or made available to the registrant in the reserve,

(*f*) the supply of a property described in any of subparagraphs 2.1, 7 and 8 of the first paragraph of section 18, the supply is made in the reserve in accordance with paragraph 1 of section 541.47.9, or

(*g*) the supply of an incorporeal movable property or a service described in the first paragraph of section 18.0.1, the recipient of the supply is resident in the reserve and acquires the supply for consumption, use or supply to an extent of at least 10% in the reserve; or".

186. (1) Section 541.49 of the Act is replaced by the following section:

"**541.49.** Every person shall, at the time of the retail sale or retail leasing, in Québec, of a new tire or road vehicle, pay to the Minister a specific duty per new tire the person purchases or leases or per new tire equipping the road vehicle the person purchases or leases that is equal to

(1) $4.50, in the case of a new road vehicle tire having a rim whose diameter is equal to or less than 62.23 centimetres and whose total diameter is equal to or less than 83.82 centimetres; or

(2) $6.00, in the case of a new road vehicle tire having a rim whose diameter is equal to or less than 62.23 centimetres and whose total diameter is greater than 83.82 centimetres but does not exceed 123.19 centimetres."

(2) Subsection 1 applies in respect of a new tire the retail sale or retail leasing of which takes place after 30 June 2023. It also applies in respect of a new tire equipping a road vehicle acquired through a retail sale or retail leasing after that date.

(3) In addition, the following specific duties must be determined taking into account the amounts provided for in section 541.49 of the Act, as amended by subsection 1:

(*a*) for the purposes of section 541.50 of the Act, the specific duty to be paid by a person who brings or causes to be brought into Québec, after 30 June 2023, a new tire for use in Québec by the person, or at the person's expense by another person, or for installation in Québec on a road vehicle intended for short term leasing;

(*b*) for the purposes of section 541.51 of the Act, the specific duty to be paid by a person who purchases, by way of a retail sale made outside Québec after 30 June 2023, or leases, by way of a retail leasing agreement entered into outside Québec after that date, a new tire or a road vehicle equipped with new tires that is in Québec;

(*c*) for the purposes of the first and second paragraphs of section 541.53 of the Act, the specific duty to be paid by a person who has purchased or manufactured a new tire intended for sale or leasing or for installation on a road vehicle intended for sale or long term leasing, or has leased a new tire for re-leasing or for installation on a road vehicle intended for long term leasing, and who begins to use the new tire in Québec after 30 June 2023 for any other purpose or arranges for it to be so used at the person's expense by another person; and

(*d*) for the purposes of the third paragraph of section 541.53 of the Act, the specific duty to be paid by a person who has purchased or manufactured a road vehicle equipped with new tires for sale or long term leasing or has made a long term lease of a road vehicle equipped with new tires for long term re-leasing and who begins to use the road vehicle in Québec after 30 June 2023 for another purpose or arranges for it to be so used at the person's expense by another person.

187. (1) Section 677 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 3 by the following subparagraph:

"(3) determine, for the purposes of the definition of "financial service" in section 1, which services are prescribed services for the purposes of its paragraphs 13, 17, 18.3, 18.4, 18.6 and 20 and which property is prescribed property for the purposes of its paragraph 18.5;";

(2) by replacing subparagraph 5 by the following subparagraph:

"(5) determine, for the purposes of subparagraphs 1, 2, 3, 3.1 and 4 of the first paragraph of section 18, which supplies are prescribed supplies;";

(3) by replacing subparagraph 33.11 by the following subparagraph:

"(33.11) determine, for the purposes of section 350.69, the prescribed information;";

(4) by inserting the following subparagraph after subparagraph 33.11:

"(33.12) determine, for the purposes of section 350.70, the prescribed information, the prescribed manner and the prescribed time;";

(5) by inserting the following subparagraphs after subparagraph 51:

"(51.1) determine, for the purposes of section 492.1, the prescribed conditions;

"(51.2) determine, for the purposes of section 492.2, the prescribed documents;".

(2) Paragraph 1 of subsection 1 applies to the supply of a service in respect of which

(1) all or part of the consideration becomes due after 28 March 2023 or is paid after that date without having become due; or

(2) all of the consideration became due or was paid before 29 March 2023.

(3) Paragraph 5 of subsection 1 has effect from 1 July 2023.

FUEL TAX ACT

188. (1) Section 1 of the Fuel Tax Act (chapter T-1) is amended

(1) by inserting the following subparagraph after subparagraph *h* of the first paragraph:

"(*h*.1) "First Nations member": an Indian within the meaning of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5);";

(2) by replacing subparagraph *o*.0.1 of the first paragraph by the following subparagraph:

"(*o*.0.1) "program for administering the consumption tax exemption for First Nations": the program under which the purchase of fuel by a tribal council or a band-empowered entity is exempt, in the circumstances described in section 9.1, from the payment of the tax provided for in section 2, or under which the sale of fuel to a First Nations member or a band by a retail dealer is exempt, in the circumstances described in section 12.1, from collection of the tax provided for in section 2;";

(3) by inserting the following subparagraph before subparagraph *r*.0.1 of the first paragraph:

"(*r*.0.0.1) "computing solution": the computer system determined by the Minister for the purposes of the program for administering the consumption tax exemption for First Nations;";

(4) by replacing the third paragraph by the following paragraph:

"In this Act and the regulations, the expressions "band", "band-empowered entity", "band management activities", "reserve" and "tribal council" have the

meaning assigned by the regulations made by the Government for the purposes of section 10.2."

(2) Subsection 1 has effect from 1 July 2023.

189. (1) Section 10.2 of the Act is amended

(1) by replacing "Indians" in the first paragraph by "First Nations members";

(2) by replacing the third paragraph by the following paragraph:

"For the purposes of this section, the Government may make regulations to define the expressions "band", "band-empowered entity", "band management activities", "reserve" and "tribal council"."

(2) Subsection 1 has effect from 1 July 2023.

190. (1) Section 10.2.1 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

"Subject to the third paragraph, a retail dealer who operates a fuel retail outlet on a reserve is entitled, provided the dealer makes an application to that effect in the prescribed form containing prescribed information within the time, on the conditions and in the manner prescribed by regulation, to the reimbursement of the amounts the dealer paid in a particular month under section 51.1 to a person holding a collection officer's permit, in respect of a quantity of fuel, if the amount the dealer collected under the first paragraph of section 12 in respect of the fuel sales the dealer made in the particular month is less than the amounts so paid.";

(2) by replacing "an Indian" in the second paragraph by "a First Nations member";

(3) by adding the following paragraph at the end:

"Despite the first paragraph, a retail dealer who operates a fuel retail outlet on a reserve during a period determined by the Minister and who, throughout that period, uses the computing solution in respect of the fuel sales made in that establishment to a First Nations member, a band, a tribal council or a band-empowered entity (in this paragraph referred to as "particular sales") is deemed, in respect of the period and the last day of the period, to apply for the reimbursement of the part of the amount paid under section 51.1 to a person holding a collection officer's permit that is equal to the tax provided for in section 2 that has not been paid or collected because of section 9.1 or 12.1 in respect of the particular sales."

(2) Subsection 1 has effect from 1 July 2023.

191. (1) Section 12.1 of the Act is amended by replacing "an Indian" by "a First Nations member".

(2) Subsection 1 has effect from 1 July 2023.

192. (1) Section 13 of the Act is amended

(1) by replacing the seventh paragraph by the following paragraph:

"Despite the third and fifth paragraphs and subject to the eighth paragraph, a retail dealer who operates a fuel retail outlet on a reserve shall, on or before the 15th day of each month, render an account to the Minister, using the prescribed form containing prescribed information, of the tax the dealer collected or should have collected during the preceding month and, if the amount that, but for sections 9.1 and 12.1, is the tax provided for in section 2 that should have been paid or collected, as the case may be, in accordance with this Act in respect of the total of all fuel sales made in that establishment by the retail dealer in the preceding month, each of which is a sale made to a First Nations member, a band, a tribal council or a band-empowered entity in respect of which either no tax provided for in section 2 was payable, in accordance with section 9.1, or the dealer was exempt from collecting such a tax, in accordance with section 12.1, and in respect of which no such tax was in fact collected, is less than the amount equal to the tax, determined in relation to a quantity of fuel, that the holder of a collection officer's permit is exempt from collecting, if applicable, from the retail dealer, in accordance with the sixth paragraph of section 51.1, for the preceding month, in relation to that establishment, the difference is to be remitted to the Minister at the same time.";

(2) by adding the following paragraph at the end:

"Despite the seventh paragraph, a retail dealer who operates a fuel retail outlet on a reserve and who, throughout a particular period determined by the Minister, uses the computing solution is not required to render an account to the Minister of the tax the dealer collected or should have collected during the preceding particular period."

(2) Subsection 1 has effect from 1 July 2023.

193. (1) Section 17.3 of the Act is amended by replacing the portion before paragraph *b* by the following:

"**17.3.** A retail dealer who operates a fuel retail outlet on a reserve and sells fuel to a purchaser who is a First Nations member, a band, a tribal council or a band-empowered entity in circumstances in which section 9.1 or 12.1 applies shall

(*a*) except in respect of retail sales for which the computing solution is used, keep, for each day of the year, in the prescribed form containing prescribed information, a register of retail sales relating to that establishment; and".

(2) Subsection 1 has effect from 1 July 2023.

194. (1) The heading of subdivision 1.1 of Division VI of the Act is replaced by the following heading:

"§1.1 — *Registration certificate for the program for administering the consumption tax exemption for First Nations*".

(2) Subsection 1 has effect from 1 July 2023.

195. (1) Section 26.1 of the Act is replaced by the following section:

"**26.1.** To obtain a registration certificate for the program for administering the consumption tax exemption for First Nations, a First Nations member, a band, a tribal council or a band-empowered entity shall make an application to that effect to the Minister in the prescribed form containing prescribed information and provide the prescribed documents."

(2) Subsection 1 has effect from 1 July 2023. However, a First Nations member, a band, a tribal council or a band-empowered entity holding a registration certificate for the Indian tax exemption management program, within the meaning assigned by subparagraph *o*.0.1 of the first paragraph of section 1 of the Act, as it read before 1 July 2023, is deemed, until its replacement by a registration certificate for the program for administering the consumption tax exemption for First Nations, to hold a registration certificate for the latter program.

196. (1) Section 51.1 of the Act is amended by replacing the sixth paragraph by the following paragraph:

"However, subject to the fourth paragraph, the Minister may, from the day the Minister determines, authorize the holder of a collection officer's permit who is the designated supplier of a retail dealer who operates a fuel retail outlet on a reserve (other than such a retail dealer who uses the computing solution in that establishment) to apply the percentage of reduction specified by the Minister to the total quantity of fuel subject to a contract between the collection officer and the retail dealer, in which case the collection officer is, despite the fifth paragraph, exempt from collecting the amount equal to the tax in respect of the quantity of fuel subject to the reduction."

(2) Subsection 1 has effect from 1 July 2023.

SECURITIES ACT

197. (1) Section 330.10 of the Securities Act (chapter V-1.1) is amended by replacing "Fonds de solidarité des travailleurs du Québec (F.T.Q.)" in the first paragraph by "Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ)".

(2) Subsection 1 applies from 1 June 2024.

ACT TO GIVE EFFECT TO FISCAL MEASURES ANNOUNCED IN THE BUDGET SPEECH DELIVERED ON 25 MARCH 2021 AND TO CERTAIN OTHER MEASURES

198. (1) Section 122 of the Act to give effect to fiscal measures announced in the Budget Speech delivered on 25 March 2021 and to certain other measures (2021, chapter 36) is amended by replacing "subparagraphs vi and xviii" in paragraph 2 of subsection 1 by "subparagraph vi".

(2) Subsection 1 has effect from 10 December 2021.

ACT TO GIVE EFFECT TO FISCAL MEASURES ANNOUNCED IN THE BUDGET SPEECH DELIVERED ON 22 MARCH 2022 AND TO CERTAIN OTHER MEASURES

199. (1) Section 108 of the Act to give effect to fiscal measures announced in the Budget Speech delivered on 22 March 2022 and to certain other measures (2023, chapter 2) is amended by replacing "2023" in subparagraph 5 of the first paragraph by "2024".

(2) Subsection 1 has effect from 1 July 2023.

ACT RESPECTING THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE BUDGET SPEECH OF 21 MARCH 2023 AND AMENDING OTHER PROVISIONS

200. (1) Section 65 of the Act respecting the implementation of certain provisions of the Budget Speech of 21 March 2023 and amending other provisions (2023, chapter 30) is amended by replacing "section 21.1 of the Money-Services Businesses Act is to be read as if" by "to the extent that it replaces the second paragraph of section 21.1 of the Money-Services Businesses Act, that section 21.1 is to be read as if".

(2) Subsection 1 has effect from 7 December 2023.

201. (1) Section 90 of the Act is amended

(1) by replacing "paragraph 3 of section 53" in paragraph 2 by "paragraph 2 of section 53 where it enacts paragraph 2.1 of section 65.1 of that Act";

(2) by replacing "paragraph 1 of section 47" in paragraph 3 by "section 47 where it replaces the second paragraph of section 21.1 of the Money-Services Businesses Act".

(2) Subsection 1 has effect from 7 December 2023.

FINAL PROVISION

202. This Act comes into force on 7 May 2024, except sections 167 and 168, which come into force on the date of coming into force of section 7 of the Act respecting the implementation of certain provisions of the Budget Speech of 22 March 2022 and amending other legislative provisions (2023, chapter 10).

106890

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 52
(2024, chapter 12)

An Act to enable the Parliament of Québec to preserve the principle of parliamentary sovereignty with respect to the Act respecting the laicity of the State

Introduced 8 February 2024
Passed in principle 20 February 2024
Passed 2 May 2024
Assented to 7 May 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act preserves the principle of parliamentary sovereignty by renewing the override provision set out in section 34 of the Act respecting the laicity of the State.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting the laicity of the State (chapter L-0.3).

Bill 52

AN ACT TO ENABLE THE PARLIAMENT OF QUÉBEC TO PRESERVE THE PRINCIPLE OF PARLIAMENTARY SOVEREIGNTY WITH RESPECT TO THE ACT RESPECTING THE LAICITY OF THE STATE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 34 of the Act respecting the laicity of the State (chapter L-0.3) is again enacted and therefore reads as follows:

"This Act and the amendments made by Chapter V of this Act have effect notwithstanding sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom)."

2. This Act comes into force on 16 June 2024.

106843

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 58
(2024, chapter 13)

Appropriation Act No. 2, 2024–2025

Introduced 2 May 2024
Passed in principle 2 May 2024
Passed 2 May 2024
Assented to 7 May 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act authorizes the Government to pay out of the general fund of the Consolidated Revenue Fund, for the 2024–2025 fiscal year, a sum not exceeding $75,544,708,960.00, representing the appropriations to be voted for each of the portfolio programs, less the appropriations already authorized.

Moreover, the Act indicates which programs are covered by a net voted appropriation. It also determines the extent to which the Conseil du trésor may authorize the transfer of appropriations between programs or portfolios.

Lastly, the Act approves the balance of the expenditure and investment forecasts for the special funds for the 2024–2025 fiscal year, and the excess special fund expenditures and investments for the 2022–2023 fiscal year.

Bill 58

APPROPRIATION ACT NO. 2, 2024–2025

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Government may draw out of the general fund of the Consolidated Revenue Fund a sum not exceeding $75,544,708,960.00 to defray part of the Expenditure Budget of Québec tabled in the National Assembly for the 2024–2025 fiscal year, being the amount of the appropriations to be voted for each of the programs listed in Schedule 1, less the amounts totalling $30,826,709,940.00 of the appropriations voted pursuant to Appropriation Act No. 1, 2024–2025 (2024, chapter 3).

2. In the case of programs for which a net voted appropriation appears in the Expenditure Budget, the amount of the appropriation for the programs concerned may be increased, subject to the stipulated conditions, when the revenues associated with the net voted appropriation exceed revenue forecasts.

3. The Conseil du trésor may authorize the transfer between programs or portfolios of the portion of an appropriation for which provision has been made to that end, for the purposes of and, where applicable, according to the conditions described in the Expenditure Budget.

Furthermore, it may, in cases other than the transfer of a portion of an appropriation referred to in the first paragraph, authorize the transfer of a portion of an appropriation between programs in the same portfolio, insofar as such a transfer does not increase or decrease the amount of the appropriation authorized by law by more than 15.0%, excluding, where applicable, the portion of the appropriation for which provision has been made.

4. The balance of the expenditure and investment forecasts for the special funds listed in Schedule 2 is approved for the 2024–2025 fiscal year.

5. The excess special fund expenditures and investments for the 2022–2023 fiscal year listed in Schedule 3 are approved.

6. This Act comes into force on 7 May 2024.

SCHEDULE 1

GENERAL FUND

AFFAIRES MUNICIPALES ET HABITATION

PROGRAM 1	
Support for Departmental Activities	64,191,000.00
PROGRAM 2	
Municipal Infrastructure Modernization	118,471,425.00
PROGRAM 3	
Compensation in Lieu of Taxes and Support to Municipalities	404,403,225.00
PROGRAM 4	
Development of the Regions and Territories	1,760,775.00
PROGRAM 5	
Promotion and Development of Greater Montréal	106,591,875.00
PROGRAM 6	
Commission municipale du Québec	10,047,075.00
PROGRAM 7	
Housing	686,019,450.00
	1,391,484,825.00

AGRICULTURE, PÊCHERIES ET ALIMENTATION

PROGRAM 1	
Bio-food Business Development and Food Quality	442,590,600.00
PROGRAM 2	
Government Bodies	331,914,225.00
	774,504,825.00

CONSEIL DU TRÉSOR ET ADMINISTRATION GOUVERNEMENTALE

PROGRAM 1	
Support for the Conseil du trésor	77,840,175.00
PROGRAM 2	
Support for Government Operations	197,428,725.00
PROGRAM 3	
Commission de la fonction publique	4,568,625.00
PROGRAM 4	
Retirement and Insurance Plans	2,435,850.00
PROGRAM 5	
Contingency Fund	14,139,825,000.00
PROGRAM 6	
Support for Government Infrastructure	10,407,675.00
PROGRAM 7	
Promotion and Development of the Capitale-Nationale	30,092,850.00
	14,462,598,900.00

CONSEIL EXÉCUTIF

PROGRAM 1	
Lieutenant-Governor's Office	583,275.00
PROGRAM 2	
Support Services for the Premier and the Conseil exécutif	95,142,075.00
PROGRAM 3	
Canadian Relations	12,605,250.00
PROGRAM 4	
Relations with the First Nations and the Inuit	295,567,175.00
PROGRAM 5	
Democratic Institutions, Access to Information and Laicity	12,293,700.00
PROGRAM 6	
High-speed Internet and Special Connectivity Projects	99,695,700.00
	515,887,175.00

CULTURE ET COMMUNICATIONS

PROGRAM 1	
Management, Administration and Mission Support	61,462,500.00
PROGRAM 2	
Support and Development of Culture, Communications and Heritage	577,169,100.00
PROGRAM 3	
Youth	35,515,125.00
	674,146,725.00

CYBERSÉCURITÉ ET NUMÉRIQUE

PROGRAM 1	
Management and Administration	53,212,800.00
PROGRAM 2	
Management of Specific Information Resources	39,932,250.00
	93,145,050.00

ÉCONOMIE, INNOVATION ET ÉNERGIE

PROGRAM 1	
Management and Administration	30,119,700.00
PROGRAM 2	
Economic Development	227,114,850.00
PROGRAM 3	
Development of Science, Research and Innovation	191,643,000.00
PROGRAM 4	
Economic Development Fund Interventions	484,557,225.00
PROGRAM 5	
Research and Innovation Bodies	583,124.00
PROGRAM 6	
Energy	43,562,250.00
	977,580,149.00

ÉDUCATION

PROGRAM 1	
Administration	297,027,000.00
PROGRAM 2	
Support for Organizations	68,596,975.00
PROGRAM 3	
School Taxes – Fiscal Balancing Subsidy	1,147,126,275.00
PROGRAM 4	
Preschool, Primary and Secondary Education	9,948,013,050.00
PROGRAM 5	
Development of Sports, Recreation and the Outdoors	132,862,975.00
	11,593,626,275.00

EMPLOI ET SOLIDARITÉ SOCIALE

PROGRAM 1	
Governance, Administration and Client Services	386,199,250.00
PROGRAM 2	
Social Solidarity and Community Action	2,587,759,051.00
PROGRAM 3	
Employment	608,148,175.00
	3,582,106,476.00

ENSEIGNEMENT SUPÉRIEUR

PROGRAM 1	
Administration	86,839,275.00
PROGRAM 2	
Support for Bodies	42,800,475.00
PROGRAM 3	
Financial Assistance for Education and Incentive Scholarships	778,161,275.00
PROGRAM 4	
Higher Education	5,141,667,450.00
	6,049,468,475.00

ENVIRONNEMENT, LUTTE CONTRE LES CHANGEMENTS CLIMATIQUES, FAUNE ET PARCS

PROGRAM 1	
Environmental and Wildlife Protection	436,031,550.00
PROGRAM 2	
Bureau d'audiences publiques sur l'environnement	6,539,175.00
	442,570,725.00

FAMILLE

PROGRAM 1	
Planning, Research and Administration	64,084,125.00
PROGRAM 2	
Assistance Measures for Families	65,466,850.00
PROGRAM 3	
Educational Childcare Services	1,948,947,300.00
PROGRAM 4	
Public Curator	63,339,900.00
	2,141,838,175.00

FINANCES

PROGRAM 1	
Management and Administration	32,782,725.00
PROGRAM 2	
Economic, Taxation, Budgetary and Financial Activities	42,480,950.00
PROGRAM 3	
Contributions, Bank Service Fees and Provision for Transferring Appropriations	55,433,400.00
PROGRAM 4	
Relations with English-speaking Quebecers	4,331,050.00
	135,028,125.00

IMMIGRATION, FRANCISATION ET INTÉGRATION

PROGRAM 1	
Management and Support for Departmental Activities	41,308,800.00
PROGRAM 2	
Immigration, Francization and Integration	511,198,275.00
	552,507,075.00

JUSTICE

PROGRAM 1	
Administration of Justice	365,819,400.00
PROGRAM 2	
Judicial Activity	33,468,100.00
PROGRAM 3	
Administrative Justice	10,675,150.00
PROGRAM 5	
Other Bodies Reporting to the Minister	148,963,075.00
PROGRAM 6	
Criminal and Penal Prosecutions	163,791,675.00
	722,717,400.00

LANGUE FRANÇAISE

PROGRAM 1

French Language	51,469,650.00
	51,469,650.00

PERSONS APPOINTED BY THE NATIONAL ASSEMBLY

PROGRAM 1	
Public Protector	18,199,275.00
PROGRAM 2	
Auditor General	32,822,950.00
PROGRAM 4	
Lobbyists Commissioner	4,960,650.00
PROGRAM 6	
French Language Commissioner	1,799,400.00
	57,782,275.00

RELATIONS INTERNATIONALES ET FRANCOPHONIE

PROGRAM 1	
Management and Administration	18,055,125.00
PROGRAM 2	
International Affairs	92,991,675.00
PROGRAM 3	
Status of Women	25,015,875.00
	136,062,675.00

RESSOURCES NATURELLES ET FORÊTS

PROGRAM 1

Management of Natural and Forest Resources	287,554,650.00
	287,554,650.00

SANTÉ ET SERVICES SOCIAUX

PROGRAM 1	
Coordination Functions	238,611,075.00
PROGRAM 2	
Services to the Public	26,885,354,700.00
PROGRAM 3	
Office des personnes handicapées du Québec	13,880,325.00
PROGRAM 5	
Status of Seniors	40,947,750.00
	27,178,793,850.00

SÉCURITÉ PUBLIQUE

PROGRAM 1	
Management and Administration	112,717,875.00
PROGRAM 2	
Services of the Sûreté du Québec	419,073,450.00
PROGRAM 3	
Management of the Correctional System	486,846,075.00
PROGRAM 4	
Police	142,864,675.00
PROGRAM 5	
Scientific and Forensic Expertise	27,975,000.00
PROGRAM 6	
Management and Oversight	48,626,175.00
PROGRAM 7	
Public Safety and Fire Prevention	35,225,400.00
	1,273,328,650.00

TOURISME

PROGRAM 1	
Management, Administration and Program Management	9,812,250.00
PROGRAM 2	
Tourism Development	114,589,875.00
PROGRAM 3	
Bodies Reporting to the Minister	29,780,735.00
	154,182,860.00

TRANSPORTS ET MOBILITÉ DURABLE

PROGRAM 1	
Infrastructures and Transportation Systems	2,217,789,900.00
PROGRAM 2	
Administration and Corporate Services	51,136,575.00
	2,268,926,475.00

TRAVAIL

PROGRAM 1		
Labour	27,397,500.00	
	27,397,500.00	
		75,544,708,960.00

SCHEDULE 2

SPECIAL FUNDS

AFFAIRES MUNICIPALES ET HABITATION

REGIONS AND RURALITY FUND

Expenditure Forecast	211,258,050.00

SUBTOTAL

Expenditure Forecast	211,258,050.00

CULTURE ET COMMUNICATIONS

AVENIR MÉCÉNAT CULTURE FUND	
Expenditure Forecast	3,754,500.00
QUÉBEC CULTURAL HERITAGE FUND	
Expenditure Forecast	31,853,700.00
SUBTOTAL	
Expenditure Forecast	35,608,200.00

CYBERSÉCURITÉ ET NUMÉRIQUE

CYBERSECURITY AND DIGITAL TECHNOLOGY FUND

Expenditure Forecast	465,970,125.00
Investment Forecast	96,010,800.00

SUBTOTALS

Expenditure Forecast	465,970,125.00
Investment Forecast	96,010,800.00

ÉCONOMIE, INNOVATION ET ÉNERGIE

NATURAL RESOURCES AND ENERGY CAPITAL FUND	
Expenditure Forecast	133,500.00
Investment Forecast	321,562,500.00
NATURAL RESOURCES FUND	
Expenditure Forecast	22,081,125.00
Investment Forecast	55,650.00
ECONOMIC DEVELOPMENT FUND	
Expenditure Forecast	1,004,250,900.00
Investment Forecast	2,078,142,750.00
QUÉBEC ENTERPRISE GROWTH FUND	
Expenditure Forecast	112,500.00
Investment Forecast	90,000,000.00
SUBTOTALS	
Expenditure Forecast	1,026,578,025.00
Investment Forecast	2,489,760,900.00

ÉDUCATION

SPORTS AND PHYSICAL ACTIVITY DEVELOPMENT FUND

Expenditure Forecast	119,184,375.00
Investment Forecast	55,595,925.00

SUBTOTALS

Expenditure Forecast	119,184,375.00
Investment Forecast	55,595,925.00

EMPLOI ET SOLIDARITÉ SOCIALE

ASSISTANCE FUND FOR INDEPENDENT COMMUNITY ACTION	
Expenditure Forecast	31,558,550.00
LABOUR MARKET DEVELOPMENT FUND	
Expenditure Forecast	889,878,800.00
GOODS AND SERVICES FUND	
Expenditure Forecast	160,077,075.00
Investment Forecast	4,505,775.00
INFORMATION TECHNOLOGY FUND OF THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE	
Expenditure Forecast	13,693,125.00
Investment Forecast	14,478,750.00
QUÉBEC FUND FOR SOCIAL INITIATIVES	
Expenditure Forecast	34,763,000.00
SUBTOTALS	
Expenditure Forecast	1,129,970,550.00
Investment Forecast	18,984,525.00

ENSEIGNEMENT SUPÉRIEUR

UNIVERSITY EXCELLENCE AND PERFORMANCE FUND

Expenditure Forecast	18,750,000.00

SUBTOTAL

Expenditure Forecast	18,750,000.00

ENVIRONNEMENT, LUTTE CONTRE LES CHANGEMENTS CLIMATIQUES, FAUNE ET PARCS

BLUE FUND	
Expenditure Forecast	56,966,700.00
ELECTRIFICATION AND CLIMATE CHANGE FUND	
Expenditure Forecast	1,166,720,250.00
Investment Forecast	196,200,000.00
FUND FOR THE PROTECTION OF THE ENVIRONMENT AND THE WATERS IN THE DOMAIN OF THE STATE	
Expenditure Forecast	188,013,975.00
Investment Forecast	8,594,250.00
NATURAL RESOURCES FUND	
Expenditure Forecast	50,250.00
ENERGY TRANSITION, INNOVATION AND EFFICIENCY FUND	
Expenditure Forecast	153,967,875.00
SUBTOTALS	
Expenditure Forecast	1,565,719,050.00
Investment Forecast	204,794,250.00

FAMILLE

EDUCATIONAL CHILDCARE SERVICES FUND	
Expenditure Forecast	2,191,988,800.00
SUBTOTAL	
Expenditure Forecast	2,191,988,800.00

FINANCES

FINANCING FUND	
Expenditure Forecast	2,477,250.00
SPECIAL CONTRACTS AND FINANCIAL ASSISTANCE FOR INVESTMENT FUND	
Expenditure Forecast	169,500,000.00
FUND TO COMBAT ADDICTION	
Expenditure Forecast	169,303,875.00
NORTHERN PLAN FUND	
Expenditure Forecast	109,262,850.00
FUND OF THE FINANCIAL MARKETS ADMINISTRATIVE TRIBUNAL	
Expenditure Forecast	2,979,975.00
Investment Forecast	6,000.00
TAX ADMINISTRATION FUND	
Expenditure Forecast	962,004,900.00
SUBTOTALS	
Expenditure Forecast	1,415,528,850.00
Investment Forecast	6,000.00

JUSTICE

ACCESS TO JUSTICE FUND

Expenditure Forecast	31,533,375.00

FUND DEDICATED TO ASSISTANCE FOR PERSONS WHO ARE VICTIMS OF CRIMINAL OFFENCES

Expenditure Forecast	40,898,400.00

REGISTER FUND OF THE MINISTÈRE DE LA JUSTICE

Expenditure Forecast	38,601,375.00
Investment Forecast	2,937,300.00

FUND OF THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

Expenditure Forecast	38,272,275.00
Investment Forecast	1,157,850.00

SUBTOTALS

Expenditure Forecast	149,305,425.00
Investment Forecast	4,095,150.00

RESSOURCES NATURELLES ET FORÊTS

NATURAL RESOURCES FUND

Expenditure Forecast	579,643,125.00
Investment Forecast	14,991,875.00

TERRITORIAL INFORMATION FUND

Expenditure Forecast	442,599,825.00
Investment Forecast	33,674,850.00

SUBTOTALS

Expenditure Forecast	1,022,242,950.00
Investment Forecast	48,666,725.00

SANTÉ ET SERVICES SOCIAUX

CANNABIS PREVENTION AND RESEARCH FUND	
Expenditure Forecast	91,981,650.00
HEALTH AND SOCIAL SERVICES INFORMATION RESOURCES FUND	
Expenditure Forecast	460,454,400.00
Investment Forecast	106,617,825.00
SUBTOTALS	
Expenditure Forecast	552,436,050.00
Investment Forecast	106,617,825.00

SÉCURITÉ PUBLIQUE

POLICE SERVICES FUND

Expenditure Forecast	621,566,625.00
Investment Forecast	17,231,550.00

SUBTOTALS

Expenditure Forecast	621,566,625.00
Investment Forecast	17,231,550.00

TOURISME

TOURISM PARTNERSHIP FUND

Expenditure Forecast	278,118,650.00
Investment Forecast	871,725.00

SUBTOTALS

Expenditure Forecast	278,118,650.00
Investment Forecast	871,725.00

TRANSPORTS ET MOBILITÉ DURABLE

AIR SERVICE FUND

Expenditure Forecast	81,645,900.00
Investment Forecast	34,649,475.00

ROLLING STOCK MANAGEMENT FUND

Expenditure Forecast	140,180,775.00
Investment Forecast	75,375,225.00

HIGHWAY SAFETY FUND

Expenditure Forecast	55,468,350.00
Investment Forecast	4,586,250.00

LAND TRANSPORTATION NETWORK FUND

Expenditure Forecast	4,398,940,350.00
Investment Forecast	2,748,543,525.00

SUBTOTALS

Expenditure Forecast	4,676,235,375.00
Investment Forecast	2,863,154,475.00

TRAVAIL

ADMINISTRATIVE LABOUR TRIBUNAL FUND		
Expenditure Forecast	76,567,500.00	
Investment Forecast	2,325,000.00	
SUBTOTALS		
Expenditure Forecast	76,567,500.00	
Investment Forecast	2,325,000.00	
TOTALS		
Expenditure Forecast		15,557,028,600.00
Investment Forecast		5,908,114,850.00

SCHEDULE 3

EXCESS SPECIAL FUND EXPENDITURES AND INVESTMENTS FOR THE 2022–2023 FISCAL YEAR

AFFAIRES MUNICIPALES ET HABITATION

REGIONS AND RURALITY FUND

Expenditure excess	75,944,300.00

SUBTOTAL

Expenditure excess	75,944,300.00

CULTURE ET COMMUNICATIONS

AVENIR MÉCÉNAT
CULTURE FUND

Expenditure excess	4,800.00

SUBTOTAL

Expenditure excess	4,800.00

ÉCONOMIE, INNOVATION ET ÉNERGIE

NATURAL RESOURCES AND ENERGY CAPITAL FUND	
Expenditure excess	8,707,800.00
ECONOMIC DEVELOPMENT FUND	
Expenditure excess	5,397,600.00
QUÉBEC ENTERPRISE GROWTH FUND	
Expenditure excess	1,137,300.00
SUBTOTAL	
Expenditure excess	15,242,700.00

EMPLOI ET SOLIDARITÉ SOCIALE

ASSISTANCE FUND FOR INDEPENDENT COMMUNITY ACTION	
Expenditure excess	5,239,100.00
LABOUR MARKET DEVELOPMENT FUND	
Expenditure excess	119,698,600.00
GOODS AND SERVICES FUND	
Expenditure excess	28,010,700.00
QUÉBEC FUND FOR SOCIAL INITIATIVES	
Expenditure excess	4,314,900.00
SUBTOTAL	
Expenditure excess	157,263,300.00

ENVIRONNEMENT, LUTTE CONTRE LES CHANGEMENTS CLIMATIQUES, FAUNE ET PARCS

FUND FOR THE PROTECTION OF THE ENVIRONMENT AND THE WATERS IN THE DOMAIN OF THE STATE

Expenditure excess	28,288,000.00
Investment excess	2,194,900.00

SUBTOTALS

Expenditure excess	28,288,000.00
Investment excess	2,194,900.00

FINANCES

TAX ADMINISTRATION FUND

Expenditure excess	9,284,400.00

SUBTOTAL

Expenditure excess	9,284,400.00

JUSTICE

FUND OF THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC	
Investment excess	316,000.00
SUBTOTAL	
Investment excess	316,000.00

RESSOURCES NATURELLES ET FORÊTS

NATURAL RESOURCES FUND

Expenditure excess	63,927,800.00
Investment excess	308,900.00

SUBTOTALS

Expenditure excess	63,927,800.00
Investment excess	308,900.00

SANTÉ ET SERVICES SOCIAUX

HEALTH AND SOCIAL SERVICES INFORMATION RESOURCES FUND	
Expenditure excess	82,532,600.00
SUBTOTAL	
Expenditure excess	82,532,600.00

TRANSPORTS ET MOBILITÉ DURABLE

AIR SERVICE FUND	
Expenditure excess	980,300.00
ROLLING STOCK MANAGEMENT FUND	
Expenditure excess	12,412,600.00
SUBTOTAL	
Expenditure excess	13,392,900.00

TRAVAIL

ADMINISTRATIVE LABOUR TRIBUNAL FUND		
Investment excess	4,569,700.00	
SUBTOTAL		
Investment excess	4,569,700.00	
TOTALS		
Expenditure excess		445,880,800.00
Investment excess		7,389,500.00

106847

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 59
(2024, chapter 14)

An Act to interrupt the electoral division delimitation process

Introduced 24 April 2024
Passed in principle 2 May 2024
Passed 2 May 2024
Assented to 7 May 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

The purpose of this Act is to interrupt the process for delimiting the electoral divisions begun by the Commission de la représentation under the Election Act. The Act provides that the Commission must begin the delimitation process again by submitting a preliminary report within 12 months following the next general election.

Bill 59

AN ACT TO INTERRUPT THE ELECTORAL DIVISION DELIMITATION PROCESS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Despite any provision of the Election Act (chapter E-3.3), the electoral division delimitation process begun by the Commission de la représentation under that Act is interrupted.

2. The Commission de la représentation must make a new delimitation of the electoral divisions, in accordance with sections 14 to 18 and 23 to 33 of the Election Act, after the first general election following 7 May 2024.

Within 12 months following that election, the Commission must submit to the President or the Secretary General of the National Assembly a preliminary report in which it proposes the delimitation of the electoral divisions. The second paragraph of section 22 of the Election Act applies to that report.

3. This Act comes into force on 7 May 2024.

106860

Regulations and other Acts

Gouvernement du Québec

O.C. 942-2024, 5 June 2024

Supplemental Pension Plans Act
(chapter R-15.1)

Supplemental pension plans
— Amendment

Regulation to amend the Regulation respecting supplemental pension plans

WHEREAS, under the first paragraph of section 90.1 of the Supplemental Pension Plans Act (chapter R-15.1), a pension plan that includes defined-contribution provisions may allow a member who has ceased to be an active member or, on the death of such a member, the member's spouse to elect to receive variable benefits from the funds the member or spouse holds under the defined contribution provisions, on the conditions and within the time prescribed by regulation;

WHEREAS, under the second paragraph of section 90.1 of the Act, every member or spouse at least 55 years of age who has elected to receive variable benefits is entitled to apply for payment in one or more instalments of all or part of the funds referred to in the first paragraph of that section, on the conditions and within the time prescribed by regulation;

WHEREAS, under the first paragraph of section 92 of the Act, every member or spouse who has become entitled to a pension under a pension plan is entitled, under conditions prescribed by regulation, to replace the pension by a life or temporary pension, purchased under a contract, the amount of which may vary each year;

WHEREAS, under the second paragraph of section 92 of the Act, every member or spouse at least 55 years of age is entitled to replace, under conditions prescribed by regulation, all or part of the pension to which the member or spouse has become entitled by a payment in one or more instalments out of a pension plan prescribed by regulation;

WHEREAS, under subparagraphs 3.1.1, 4 and 6 of the first paragraph of section 244 of the Act, Retraite Québec may, by regulation:

— determine, for the purposes of section 90.1 of the Act, the conditions and time limits applicable to the payment of the variable benefits, as well as the conditions and time limits applicable to the payment in one or more instalments of all or part of the funds referred to in the first paragraph of that section;

— determine, for the purposes of section 92 of the Act, under what conditions a pension may be replaced, the terms and conditions of the replacement pension contract and the methods and rules applicable in computing the maximum annual amount of that pension;

— determine, for the purposes of section 98 of the Act, the plans or annuity contracts not governed by the Act that are included in the expression "pension plan" and the norms applicable to such plans or contracts, or make all or part of the Act and the regulations applicable to them;

WHEREAS, on 28 September 2023, Retraite Québec made the Regulation to amend the Regulation respecting supplemental pension plans;

WHEREAS, under the fifth paragraph of section 244 of the Supplemental Pension Plans Act, the regulations made by Retraite Québec are submitted to the Government for approval;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting supplemental pension plans was published in Part 2 of the *Gazette officielle du Québec* of 27 December 2023 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting supplemental pension plans, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting supplemental pension plans

Supplemental Pension Plans Act
(chapter R-15.1, ss. 90.1, 92 and 244, 1st par., subpars. 3.1.1, 4 and 6)

1. The Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) is amended in section 15.5

(1) by replacing paragraph 1 by the following:

"(1) the member or spouse sets for each year the amount of the life income to be received as variable benefits or, if the member or spouse is 55 years of age or over and applies therefor, the amount of the payment in one or more instalments to be received as such;";

(2) by replacing paragraph 2 by the following:

"(2) the maximum income amount paid as life income to a member or spouse under 55 years of age is set in in accordance with sections 20 and 20.1, which apply with the necessary modifications;";

(3) by adding the following after paragraph 2:

"(3) the amount of the life income that may be provided with the sums held by a member or spouse 55 years of age or over is estimated in accordance with section 20.0.1, which applies with the necessary modifications;

(4) despite the amount of the life income referred to in paragraph 3, all or part of the funds held by a member or spouse 55 years of age or over may, on request to the pension committee made any time during a year, be paid in one or more instalments.";

(4) by adding the following at the end:

"Payment referred to in subparagraph 4 of the first paragraph must be made, as applicable, regardless of the amount of variable benefits determined or received by the member or spouse for the current year as life income or of the payment in one or more instalments.".

2. Section 15.6 is replaced by the following:

"**15.6.** Where the plan provides for the payment of variable benefits, as temporary income, to a member or spouse under 55 years of age, the conditions provided for in sections 19.2, 20.5, 21 and 22.2, and Schedules 0.5 and 0.9.1 apply with the necessary modifications.".

3. Section 15.7 is amended by inserting "or payment of all or part of the funds, in one or more instalments," after "income".

4. The following is inserted after section 15.7:

"**15.7.1.** The variable benefits paid, as life or temporary income or, as the case may be, as payment in one or more instalments, cannot be transferred to a pension plan referred to in paragraph 3 of section 28.".

5. Section 15.8 is amended

(1) by replacing "in the first paragraph of" in the first paragraph by "in";

(2) by striking out the second paragraph.

6. Section 16.2 is amended by replacing element "W" in the first paragraph by the following:

""W" is equal to the total temporary income that the purchaser has received or must receive during the year under a supplemental pension plan subject to or created by law or an annuity purchase contract of which the capital originates directly or not in such plan.".

7. Section 17 is amended

(1) by replacing the first paragraph by the following:

"A member or spouse who has become entitled to a pension under a pension plan may replace such pension with a life or temporary annuity purchased with funds from the life income fund referred to in section 18 or, if the member or spouse is 55 years of age or over, with payment of all or part of the balance of such a fund in one or more instalments. The replacement of the purchased annuity involves the transfer to a life income fund of the value of the pension to be replaced.";

(2) by replacing "under the plan is not replaced by an annuity purchased from the funds of a life income fund" in the second paragraph by "there can be no pension replacement referred to in the first paragraph".

8. Section 19 is amended

(1) in the first paragraph

(*a*) by replacing subparagraph 2 of by the following:

"(2) that the amount of the income paid during a fiscal year or, if the purchaser is 55 years of age or over and so requests it, the amount of the payment of all or part of the balance of the fund in one or more instalments is, subject to the lower limit referred to in section 20.2, set by the purchaser each year;

(2.1) that the amount of the income set by a purchaser under 55 years of age for a fiscal year may not exceed the upper limit determined in accordance with section 20.1;";

(*b*) by inserting the following after subparagraph 2:

"(3) that the amount of the life income that may be provided with the sums held by a purchaser 55 years of age or over is estimated in accordance with section 20.0.1;

(3.1) that, despite the amount of the life income referred to in subparagraph 3, all or part of the balance of the life income fund of a purchaser 55 years of age or over may, unless the term of the investments has not expired, be paid in one or more instalments, on request to the financial institution made at any time during a fiscal year;";

(*c*) by striking out subparagraphs 6.1 and 7.1;

(*d*) by inserting the following after subparagraph 7.1:

"(7.2) that the life or temporary income or, as the case may be, the payment of all or part of the balance of the life income fund in one or more instalments, may not be transferred to a pension plan referred to in paragraph 3 of section 28;";

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

"In addition, the standard contract establishing a life income fund may provide that a purchaser under 55 years of age is entitled to receive, during a fiscal year, all or part of the balance of the fund in the form of a temporary income. The provisions of the standard contract must then include the requirements provided for in section 19.2.

It must, however, provide that payment referred to in subparagraph 3.1 of the first paragraph must be made, as applicable, regardless of the amount of the life income or of the payment in one or more instalments determined or received by the purchaser for the current fiscal year.".

9. Section 19.1 is revoked.

10. Section 19.2 is amended

(1) in the first paragraph

(*a*) by replacing the part preceding subparagraph 1 by the following:

"**19.2.** The temporary income of a purchaser under 55 years of age is payable, on request to the financial institution, in monthly instalments none of which may exceed 1/12 of the difference between the following amounts:";

(*b*) by replacing "40%" in subparagraph 1 by "50%";

(*c*) by replacing "75%"in subparagraph 2 by "100%";

(*d*) by striking out the third condition;

(2) in the second paragraph

(*a*) by replacing "In such case" in the part preceding subparagraph 1 by "In addition";

(*b*) by replacing "54" in subparagraph 1 by "55".

11. Section 19.3 is revoked.

12. Section 20 is replaced by the following:

"**20.** The upper limit of the life income, for a fiscal year of the life income fund of a purchaser under 55 years of age, is equal to the amount "E" in the following formula:

F x C - A = E

"F" represents the rate prescribed for a year, established in accordance with section 21;

"C" represents the balance of the fund on the date on which the fiscal year begins, increased by any sums transferred to the fund after that date and reduced by any sums originating directly or not during the same fiscal year from a life income fund or from a supplemental pension plan that offers the variable benefits referred to in subdivision 3 of Division II.1;

"A" represents the maximum temporary income for the fiscal year determined in accordance with section 20.5 or, if no amount was determined, the figure zero.

The amount "E" may not be less than zero.

20.0.1. The estimated amount of the life income of a purchaser 55 years of age or over is established by the financial institution according to the method it determines or, if it decides otherwise, is equal to the amount "N" of the following formula:

$$\frac{D}{T} = N$$

"D" represents the balance of the fund on the date of the estimate;

"T" represents the commuted value, at the beginning of the fiscal year of the fund, of the annual retirement pension of $1, payable on 1 January of each year included

in the period from the beginning of the fiscal year to 31 December of the year in which the purchaser reaches 95 years of age; that value is determined on the basis of the month-end, nominal interest rate earned on long-term bonds issued by the Government of Canada for the month of November preceding the beginning of the fiscal year, as compiled monthly by Statistics Canada and published in the Bank of Canada Banking and Financial Statistics, Series V122487 in the CANSIM system, by applying successively to that rate the following adjustments:

(1) the conversion of the interest rate referred to in element "T", based on interest compounded semi-annually, to an effective annual interest rate;

(2) an increase of 1.10% of the effective interest rate;

(3) the rounding of the effective interest rate to the nearest multiple of 0.25%.

The amount "N" may not be lower than the lower limit determined in accordance with section 20.2.

In addition, for purchasers aged 95 years or over, element "T" is equal to 1.".

13. Section 20.1 is amended

(1) by inserting "to a purchaser under 55 years of age" in the part preceding the formula "A + E = M" after "of the life income fund;

(2) by striking out "20.4 or" in element "A".

14. Section 20.2 is amended by inserting "or of the payment of all or part of the balance of the fund, in one or more instalments," after "income paid".

15. Section 20.3 is revoked.

16. Section 20.4 is revoked.

17. Section 20.5 is amended by replacing "Division II.3" at the end of the first paragraph by "subdivision 3 of Division II.1".

18. Section 21 is replaced by the following:

"**21.** The rate prescribed in element "F" of section 20 is determined on the basis of the month-end, nominal interest rate earned on long-term bonds issued by the Government of Canada for the month of November preceding the beginning of the fiscal year, as compiled monthly by Statistics Canada and published in the Bank of Canada Banking and Financial Statistics, Series V122487 in the CANSIM system, by applying successively to that rate the following adjustments:

(1) the conversion of the interest rate, based on interest compounded semi-annually, to an effective annual interest rate;

(2) an increase of 2.75% of the effective interest rate;

(3) the rounding of the effective interest rate to the nearest multiple of 0.25%.".

19. Section 22 is revoked.

20. Section 22.2 is replaced by the following:

"**22.2.** The sums transferred to a life income fund held by a purchaser under 55 years of age are deemed to come in their entirety from a life income fund or from a supplemental pension plan that offers the variable benefits referred to in subdivision 3 of Division II.1, unless the purchaser sends to the financial institution that manages the fund to which the sums are transferred a declaration in conformity with the one provided for in Schedule 0.9.1.".

21. Section 23 is amended by striking out ", 19.1" in the first paragraph.

22. Section 24 is amended

(1) in the first paragraph

(*a*) by replacing subparagraph 2 by the following:

"(2) where the date on which the fiscal year begins is later than 1 January of the year and where the purchaser is under 55 years of age, the sums coming directly or not during the year from a life income fund of the purchaser or from a supplemental pension plan that offers the variable benefits referred to in subdivision 3 of Division II.1;";

(*b*) by striking out subparagraph 3;

(*c*) by inserting "or payment, in one or more instalments," in subparagraph 4 after "income";

(*d*) by replacing subparagraph 5 by the following:

"(5) where the purchaser is under 55 years of age at the end of the preceding year:

(*a*) the upper limit of the life income referred to in section 20;

(*b*) if the contract provides for the payment of a temporary income, the conditions that the purchaser must meet to be entitled to the payment of the temporary income referred to in section 19.2;

(*c*) that the transfer to the fund of sums originating directly or not from a life income fund or from a supplemental pension plan that offers the variable benefits referred to in subdivision 3 of Division II.1 may not result in a revision of the maximum amount that may be paid to the purchaser by the fund during the fiscal year;

(*d*) that if the purchaser wishes to transfer, in whole or in part, the balance of the life income fund and still receive from the fund the life income that the purchaser determined for the fiscal year, the purchaser must ensure that the balance of the fund after the transfer is at least equal to the difference between the income determined for the fiscal year and the income that the purchaser has already received since the beginning of the fiscal year;";

(*e*) by replacing subparagraph 6 by the following:

"(6) where the purchaser is 55 years of age or over at the end of the preceding year:

(*a*) the amount of the life income determined in accordance with section 20.0.1 for the current fiscal year, with the mention that the amount is an estimate and it may vary because of withdrawals made and returns on the fund;

(*b*) the assumptions used for the purposes of the estimate of the life income regarding the presumed age of death and the expected rate of return;

(*c*) that, despite the estimated amount of the life income, all or part of the balance of the life income fund may, unless the term of the investments has not expired, be paid in one or more instalments, on request to the financial institution made at any time for the current fiscal year and such payment is made, as applicable, regardless of the amount of the life income or of the payment in one or more instalments determined or received by the purchaser for the fiscal year.";

(*f*) by striking out subparagraphs 7 and 8;

(2) by replacing the second paragraph by the following:

"In addition, the statement provided to a purchaser who must reach 55 years of age during the fiscal year must indicate that the purchaser may avail himself or herself of the provisions of subparagraph *c* of subparagraph 6 of the first paragraph as soon as the purchaser reaches that age. For the purposes of the application of the provisions, the purchaser's income means the life income or temporary income determined or received by the purchaser for the current fiscal year.".

23. Section 24.1 is amended

(1) by replacing the part preceding paragraph 1 by the following:

"**24.1.** Where sums are deposited, during the same year, in a fund managed by the financial institution or where the purchaser under 55 years of age informs the financial institution of the maximum temporary income that he or she determines, the financial institution must, within the following 30 days, provide the purchaser with a statement that indicates the following:";

(2) by replacing paragraph 1 by the following:

"(1) the balance of the fund at the beginning of the fiscal year and the sums that have been deposited therein identifying, if the purchaser is under 55 years of age, any amounts coming directly or not during that year from a life income fund or from a supplemental pension plan that offers the variable benefits referred to in subdivision 3 of Division II.1;";

(3) by replacing paragraph 2 by the following:

"(2) the maximum amount that may be paid to the purchaser under 55 years of age as income during the fiscal year and the balance of the fund used to calculate that amount;";

(4) by inserting "or that must be paid, in one or more instalments," in paragraph 3 after "income";

(5) by replacing paragraph 4 by the following:

"(4) if the purchaser is 55 years of age or over:

(*a*) the amount of the life income determined in accordance with section 20.0.1, with the mention that the amount is an estimate and that it may vary in particular because of withdrawals made and returns on the fund;

(*b*) the assumptions used for the purposes of the estimate of the life income regarding the presumed age of death and the expected rate of return;

(*c*) the balance of the life income fund, that all or part of the fund may, despite the estimated amount of the life income, and unless the term of the investments has not expired, be paid in one or more instalments, on request to the financial institution made at any time for the current fiscal year, and such payment is made, as applicable, regardless of the amount of the life income or of the payment in one or more instalments determined or received by the purchaser for the fiscal year.";

(6) by adding the following paragraph at the end:

"In addition, where the sums deposited in the life income fund do not change the maximum income to which a purchaser under 55 years of age is entitled, for the current fiscal year, the financial institution is not required to provide the statement referred to in the first paragraph.".

24. Section 25 is amended

(1) by striking out "before the total balance of the life income fund has been converted into a life pension";

(2) by replacing "that fund" by "the fund".

25. Section 28 is amended by inserting "subject to section 15.7.1 and subparagraph 7.2 of the first paragraph of section 19," at the beginning of paragraph 3.

26. Schedule 0.2 is amended

(1) by replacing "(ss. 16.1, 19 and 29)" in the part preceding the heading by "(ss. 16.1 and 29)";

(2) by inserting ", SPOUSE" in the heading after "MEMBER".

27. Schedule 0.3 is replaced by the following:

"**SCHEDULE 0.3**
(s. 16.2)

DECLARATION OF THE MEMBER OR THE SPOUSE

I declare that the total amount of the temporary pensions that I received or will receive during the current year under the following plans or contracts:

(*a*) supplemental pension plans subject to or established by an act of the Parliament of Québec or any other legislative authority;

(*b*) annuity purchase contracts of which the capital comes directly or not from such a plan;

is $_____.

_____(*Date*)_____ _____(*Signature*)_____

NOTE: Whosoever makes a false declaration with the intention of obtaining a lump-sum payment provided for in section 92 of the Supplemental Pension Plans Act (chapter R-15.1) is subject to the penalties provided for in sections 257 and 262 of the Act.".

28. Schedule 0.4 is revoked.

29. Schedule 0.5 is amended by replacing "Division II.3" in paragraph 4 by "subdivision 3 of Division II.1".

30. Schedules 0.6 to 0.9 are revoked.

31. Schedule 0.9.1 is amended

(1) by replacing the heading by the following:

"DECLARATION OF THE PURCHASER AGED UNDER 55 YEARS WHEN TRANSFERRING SUMS TO A LIFE INCOME FUND";

(2) by replacing "Division II.3" in paragraph 2 by "subdivision 3 of Division II.1".

MISCELLANEOUS AND TRANSITIONAL

32. Where the financial institution guaranteed the balance of the life income fund at an interval agreed to more than one year before 1 January 2025, the maximum amount of the income determined in accordance with the provisions of section 22 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), as they read before that date, is paid until the end of that interval, unless the parties agree otherwise.

33. For the purposes of the second paragraph of section 67.5 of the Supplemental Pension Plans Act (chapter R-15.1), the upper limit of the life income must be determined in accordance with the provisions of section 20 and Schedules 0.6 and 0.7 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), as they read before 1 January 2025.

34. Where a pension plan referred to in section 90.1 of the Supplemental Pension Plans Act (chapter R-15.1) provides for the payment of variable benefits, the pension committee must immediately inform every member or spouse at least 55 years of age of his or her right to avail himself or herself, for 2025, of the provisions in paragraph 4 of section 15.5 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), as enacted by paragraph 3 of section 1 of this Regulation, and of the application of the provisions in section 15.7.1 of the Regulation respecting supplemental pension plans, as enacted by section 4 of this Regulation. Those provisions apply without having the plan text include the provisions in this Regulation.

In addition, the information provided for in the first paragraph must be provided to every member or spouse who must reach 55 years of age in 2025, with the mention that the payment of all or part of the sums held for the purpose of receiving variable benefits, in one or more instalments, may be requested as soon as the member or spouse reaches that age.

35. The financial institution that administers a life income fund referred to in section 18 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) must immediately inform every purchaser at least 55 years of age of his or her right to avail himself or herself, for 2025, of the provisions in subparagraph 3.1 of the first paragraph of section 19 of the Regulation and of the application of the provisions set out in subparagraph 7.2 of the first paragraph of that section, as enacted by subparagraph *b* and subparagraph *d* of paragraph 1 of section 8 of this Regulation, respectively. Those provisions apply without having the contract entered into with a purchaser include the provisions provided for in this Regulation.

In addition, the information provided for in the first paragraph must be provided to every purchaser who must reach 55 years of age in 2025, with the mention that the payment in whole or in part of the balance of the fund, in one or more instalments, may be requested as soon as the purchaser reaches that age.

36. Every standard contract establishing a life income fund registered with Retraite Québec must comply with the provisions of this Regulation on 1 January 2025.

Every life income fund contract entered into with a purchaser before 1 January 2025 must comply with the provisions of this Regulation as soon as possible.

37. This Regulation comes into force on 1 January 2025.

106899

Gouvernement du Québec

O.C. 948-2024, 5 June 2024

Tourist Accommodation Act
(chapter H-1.01)

Tourist Accommodation — Amendment

Regulation to amend the Tourist Accommodation Regulation

WHEREAS, under the second paragraph of section 20.2 of the Tourist Accommodation Act (chapter H-1.01), the verification of information required by subparagraph 1 of the first paragraph of that section is made using the registration certificate or, if applicable, on the terms and conditions determined by government regulation;

WHEREAS, under section 21.1 of the Act, as made by section 4 of the Act to fight illegal tourist accommodation (2023, chapter 16), the Minister of Tourism maintains a public register of tourist accommodation establishments that contains, for each establishment, the class, the registration number, the issue and expiry dates of the registration certificate, the registration status (in force, expired, suspended or cancelled) and any other information determined by government regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Tourist Accommodation Regulation was published in Part 2 of the *Gazette officielle du Québec* of 13 March 2024 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Tourist Accommodation Regulation, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Tourist Accommodation Regulation

Tourist Accommodation Act
(chapter H-1.01, s. 20.2, 2nd par., and s. 21.1)

1. The Tourist Accommodation Regulation (chapter H-1.01, r. 1) is amended by inserting the following after the heading of Division V:

"***§1.*** *Conditions concerning the operator of a tourist accommodation establishment"*.

2. The following is inserted after section 9:

"***§2.*** *Conditions concerning the operator of a digital platform*

I. - *Miscellaneous*".

3. The following is inserted after section 9.1:

"II. - *Terms and conditions for the verification of a registration*

9.2. The person operating a digital platform may make the verification relating to the registration of a tourist accommodation establishment required by subparagraph 1 of the first paragraph of section 20.2 of the Tourist Accommodation Act (chapter H-1.01) using a technological means put in place by the Minister.

9.3. In order to make the verification referred to in section 9.2, the person operating a digital platform must authenticate themselves in the manner provided for in the conditions of use of the technological means put in place that the person is using.

The person operating a digital platform must then, for each tourist accommodation establishment whose registration the person is verifying,

(1) submit the following information to the Minister:

(*a*) the registration number of the establishment;

(*b*) the expiry date of the registration certificate of the establishment;

(*c*) the address of the establishment.

(2) if applicable, keep for one year the confirmation transmitted by the Minister that the information has been validated, which must indicate the date, hour and minute of transmission.".

4. The following is inserted after section 10:

"DIVISION VI.1
REGISTER OF TOURIST ACCOMMODATION ESTABLISHMENTS

10.1. In addition to the information determined in section 21.1 of the Tourist Accommodation Act (chapter H-1.01), the address of each establishment is entered in the register of tourist accommodation establishments.".

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 4, which comes into force on the date of coming into force of section 4 of the Act to fight illegal tourist accommodation (2023, chapter 16) insofar as it concerns section 21.1 of the Tourist Accommodation Act (chapter H-1.01).

106900

M.O., 2024

Order 2024-1001 of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks dated 4 June 2024

Approval of Éco Entreprises Québec's and RecycleMédias' schedule of contributions payable for 2024 for the "containers and packaging", "printed matter" and "newspapers" classes of materials

THE MINISTER OF THE ENVIRONMENT, THE FIGHT AGAINST CLIMATE CHANGE, WILDLIFE AND PARKS,

CONSIDERING section 53.31.1 of the Environment Quality Act (chapter Q-2), which provides that the persons referred to in subparagraph 6 of the first paragraph of section 53.30 of the Act are required, to the extent and on the conditions set out in subdivision 4.1 of Division VII of Chapter IV of the Act, to compensate the municipalities and the Aboriginal communities, represented by their band councils, for the services provided by the municipalities or Aboriginal communities to ensure that the materials designated by the Government under section 53.31.2 of the Act are recovered and reclaimed;

CONSIDERING that Éco Entreprises Québec and RecycleMédias are bodies certified by RECYC-QUÉBEC for the "containers and packaging", "printed matter" and "newspapers" classes of materials to represent the persons subject to an obligation of compensation under subdivision 4.1 of Division VII of Chapter IV of the Act;

CONSIDERING the first paragraph of section 53.31.12 of the Act, which provides that a certified body must remit to RECYC-QUÉBEC, in trust, the amount of the compensation owed to the municipalities and determined in accordance with the second paragraph of section 53.31.3 of the Environment Quality Act;

CONSIDERING the first paragraph of section 53.31.13 of the Act, which provides that a certified body may collect from its members and from persons who, without being members, carry on activities similar to those carried on by the members where the designated materials or classes of materials are concerned, the contributions necessary to remit the full amount of compensation, including any interest or other applicable penalties, and to indemnify the body for its management costs and other expenses incidental to the compensation regime;

CONSIDERING the first paragraph of section 53.31.14 of the Act, which provides that the contributions payable must be established on the basis of a schedule of contributions that has been the subject of a special consultation of the persons concerned;

CONSIDERING that Éco Entreprises Québec and RecycleMédias both conducted such a special consultation before establishing the schedule of contributions applicable for 2024 for the "containers and packaging", "printed matter" and "newspapers" classes of materials;

CONSIDERING the second paragraph of section 53.31.14 of the Act, which provides that, if there is more than one certified body, a single schedule must be established by all of the certified bodies not later than the date fixed by a government regulation;

CONSIDERING that Éco Entreprises Québec and RecycleMédias are the only two bodies certified by RECYC-QUÉBEC;

CONSIDERING the fourth paragraph of section 53.31.14 of the Act, which provides that the schedule of contributions may provide for exemptions or exclusions and specify the terms according to which the contributions are to be paid to the certified body;

CONSIDERING the sixth paragraph of section 53.31.14 of the Act, which provides that the schedule of contributions must be submitted to the Minister, who may approve it with or without modification;

CONSIDERING the first paragraph of section 53.31.15 of the Act, which provides that the proposed schedule must be sent by the certified body or, if there is more than one certified body, by all of the bodies, if they have come to an agreement by the deadline fixed under section 53.31.14, to RECYC-QUÉBEC, together with a report on the consultation prescribed under that section by the deadline fixed by government regulation, which may not be later than 31 December of the year in which the schedule in force expires;

CONSIDERING the second paragraph of section 53.31.15 of the Act, which provides that RECYC-QUÉBEC must give the Minister an opinion on the proposed schedule;

CONSIDERING that RECYC-QUÉBEC has given a favourable opinion on the 2024 schedule of contributions established by Éco Entreprises Québec and RecycleMédias for the "containers and packaging", "printed matter" and "newspapers" classes of materials;

CONSIDERING Order in Council 135-2007 dated 14 February 2007 by which the Government ordered that the Regulations Act (chapter R-18.1) does not apply to the proposed schedules or schedules of contributions established under section 53.31.14 of the Environment Quality Act;

CONSIDERING that it is expedient to approve the schedule without amendments;

ORDERS AS FOLLOWS:

The schedule of contributions established by Éco Entreprises Québec and RecycleMédias for the year 2024, attached to this Order and entitled 2024 Schedule of Contributions for the "containers and packaging", "printed matter" and "newspapers" classes of materials, is hereby approved.

Québec, 4 June 2024

BENOIT CHARETTE
Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

2024

Schedule of Contributions

for “Containers and Packaging”,

“Printed Matter”

and “Newspapers” classes

RULES GOVERNING THE FEES AND CONTRIBUTION TABLE

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Unified Schedule of Contributions

Éco Entreprises Québec – RecycleMédias

PREAMBLE

The *Environment Quality Act* (CQLR, c. Q-2) (the "**Act**") contains provisions with respect to the compensation to municipalities and Native communities for the services that they offer to ensure the recovery and reclaiming of residual materials designated in the *Regulation respecting compensation for municipal services provided to recover and reclaim residual materials* (CQLR, c. Q-2, r.10) (the "**Regulation**"). This Regulation specifies the main principles and basic orientations regarding the contribution of enterprises to the financing of selective collection.

In force since 2005, the Regulation obliges enterprises that market containers, packaging, printed matter and newspapers (the targeted persons) to compensate municipalities for the net costs for the selective collection, transport, sorting and treatment of Materials targeted by the Regulation.

Pursuant to section 53.31.12 of the Act, the bodies certified by the *Société québécoise de récupération et de recyclage* (hereinafter referred to as "**RECYC-QUÉBEC**") are required to pay to RECYC-QUÉBEC the amount of the monetary compensation owed to the municipalities. In order to fulfill this obligation, the certified bodies may, pursuant to section 53.31.13 of the Act, collect from the persons referred to in the Regulation the contributions necessary to pay (a) the amount of compensation determined by RECYC-QUÉBEC, including interest and other applicable penalties, if any; (b) the amount necessary to indemnify the certified bodies for their management costs and other expenses related to the compensation regime; as well as (c) the amount payable to RECYC-QUÉBEC under section 53.31.18 of the Act.

In this respect, the certified bodies also have the responsibility, pursuant to section 53.31.14, to prepare and propose a schedule that may cover up to a period of three years, which also respects the objectives of the Act. The proposed rules in this schedule must be approved by the Government and are published afterwards in the *Gazette officielle du Québec*.

It is in this context that Éco Entreprises Québec (ÉEQ) was recertified on December 11, 2020, to represent persons having an obligation to compensate for the "Containers and Packaging" and "Printed Matter" Classes of Materials and collect from the latter the monetary compensations that will be remitted to municipalities. RecycleMédias ("RM") was recertified on December 21, 2021, to represent persons having an obligation to compensate for the class of "Newspapers".

At the same time, the *Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks* has been working since 2020 to modernize Québec's selective collection system and adopt an approach based on extended producer responsibility (hereinafter, "EPR"). The aim of this approach is to give targeted persons full control over the system they finance, and

to make them responsible for ensuring traceability, quality control of the Materials and local and neighbouring recycling.

With this in mind, the *Act to amend mainly the Environment Quality Act with respect to deposits and selective collection* was given royal assent in March 2021. It provides, in its transitional and final provisions, for the repeal of the Regulation as of December 31, 2024, to make way for the new selective collection system. The Regulation was therefore substantially amended in December 2021 to ensure harmonization between the current compensation regime and the modernized system to come.

Furthermore, the *Regulation respecting a system of selective collection of certain residual materials* (CQLR, c Q-2, r 46.01, hereinafter, the "**Selective Collection Regulation**" as amended from time to time) was given royal assent in July 2022, thereby giving concrete form to the modernization of the selective collection system in Québec based on the EPR approach.

In October 2022, ÉEQ was designated by RECYQ-QUÉBEC as a designated management organization (hereinafter, "DMO") to take over from producers the obligations to develop, implement and financially support the selective collection system. As a DMO, ÉEQ is thus responsible for setting up the selective collection system based on the EPR approach, and for ensuring that the Selective Collection Regulation is in harmonization with the current compensation regime.

The Act imposes a number of requirements that guide ÉEQ's and RM's actions in the preparation of the Contribution Table for enterprises, which are:

- The payable contributions must be established on the basis of a schedule that has been the subject of a special consultation with the "Targeted Persons";
- The criteria taken into account to determine the schedule must evolve over the years in order to foster the accountability of the various classes of Targeted Persons in regards to the environmental consequences of the products they manufacture, market, distribute or commercialise, or the Materials they otherwise generate, having regard to the content of recycled materials, the nature of materials used, the volume of residual Materials produced as well as their potential for recovery, recycling or other forms of reclamation.

Section 53.31.14 of the Act states that the schedule may provide for exemptions and exclusions and that it may specify the terms according to which the contributions are to be paid to certified bodies. In the context of the government's "*Politique gouvernementale sur l'allègement réglementaire et administratif – Pour une réglementation intelligente*", adopted by Order in council (O.I.C. 1166-2017), ÉEQ and RM have worked in collaboration to propose a sole and unified Schedule of Contributions, all of which falls under the government's actions seeking to reduce regulatory and administrative burdens on enterprises.

The schedule prepared and proposed by ÉEQ and RM has been drafted in a way to include all the elements enabling a person to determine whether they are targeted, to understand the scope of their obligations and to determine the amount of the payable contribution owed. To reach all those clarity and conciseness goals in a single document, ÉEQ and RM have

reproduced certain provisions of the Act and the Regulation, and they also propose a chapter providing the definitions of certain terms employed.

With the same concern for clarity, ÉEQ and RM propose explanations to Targeted Persons that are available on their websites at www.eeq.ca and www.recyclemedias.com.

ÉEQ and RM favour alternative dispute resolution methods.

During the time where ÉEQ and RM are in possession of information that has been communicated to them in the scope of the compensation regime, they shall see to it that all agreed upon means are put in place to ensure the safety and confidentiality and ensure the respect of all other obligations provided for by the applicable laws pertaining to the confidentiality and conservation of this information.

The following document constitutes the Schedule for the 2024 Obligation Year for "Containers and Packaging", "Printed Matter" and "Newspapers" Classes (the "Schedule") proposed by ÉEQ and RM to be approved by the government.

1. DEFINITIONS

1.1. Definitions

1.1.1 In the Schedule, unless the context indicates otherwise, the following words and expressions mean or refer to:

a) "Obligation Year" means 2024, the year in which a Targeted Person is required under the Schedule to deliver a Materials Report to the competent Certified Body within the time set out in the Schedule, and is required to pay a Payable Contribution in accordance with the terms and conditions of the Schedule;

b) "Reference Year" means the time period from January 1 to December 31, 2023 inclusive in which a Targeted Person marketed quantities of Materials that must be considered for the purpose of determining the Payable Contribution for the Obligation Year;

c) "Classes of Materials" means classes of Materials that may be covered by a Payable Contribution, specifically "Containers and Packaging", "Newspapers" and "Printed Matter";

d) "Ultimate Consumer" means the ultimate recipient or ultimate user of a Product or a Service;

e) "Containers and Packaging" includes all flexible or rigid material, for example paper, carton, plastic, glass or metal, and any combination of such Materials that, as the case may be:

- is used to contain, protect or wrap the Products during any stage from the producer to the Ultimate Consumer, notably for the presentation;

- is intended for a single or short-term use and designed to contain, protect or wrap Products, such as storage bags, wrapping paper and paper or Styrofoam cups.

f) “Voluntary Contributor” means a person who is domiciled or has an Establishment outside Québec, meets the criteria set forth in section 2.3 of the Schedule and has agreed with a Certified Body to assume solidarily with the First Supplier, the First Supplier’s obligations under the Schedule;

g) “Payable Contribution” means the calculated or flat-rate amount required to be paid to a Certified Body by a Targeted Person under the Schedule;

h) "Calculated Payable Contribution" means the Payable Contribution to be paid to a Certified Body as calculated in accordance with section 4.1 of the Schedule;

i) "Flat-Rate Payable Contribution" means the option of Payable Contribution to be paid to Éco Entreprises Québec that may be selected by a Targeted Person satisfying the conditions set out in section 4.2.1 of the Schedule;

j) “Retailer” means a person for whom the principal activity consists in the operation of one or several Points of Sale intended for an Ultimate Consumer;

k) "Materials Report" means the report that the Targeted Person is required to deliver to the competent Certified Body within the time set out in the Schedule, concerning the quantities of Materials that it has placed on the Québec market during the Reference Year, for the purpose of determining its Payable Contribution under the Schedule for the Obligation Year. The report to be provided to Éco Entreprises Québec will be either detailed or simplified;

l) “Éco Entreprises Québec” means a body certified by RECYC-QUÉBEC that represents companies that market Containers, Packaging and Printed Matter in Québec;

m) “Establishment” means a physical place wherein takes place, by one or many persons, an organized economic activity, whether or not it is commercial in nature, consisting in the production of goods, their administration or their alienation, or in the provision of Services. A place described in Appendix B of the Schedule is deemed to constitute an Establishment.

n) “RECYC-QUÉBEC fees” means the administrative fees and other expenses of RECYC-QUÉBEC related to the Compensation Regime and payable to RECYC-QUÉBEC by RecycleMédias pursuant to section 53.31.18 of the Act and article 8.14 of the Regulation;

o) “RecycleMédias fees” means the administrative fees and other expenses of RecycleMédias related to the Compensation Regime that are collected by RecycleMédias pursuant to section 53.31.13 of the Act;

p) "Éco Entreprises Québec fees" means the administrative fees and other expenses of Éco Entreprises Québec related to the Compensation Regime that may be collected by Éco Entreprises Québec pursuant to section 53.31.13 of the Act;

q) "Printed Matter" means the paper and other cellulosic fibres, whether or not they are used as a medium for text or images;

r) "Newspapers" means the paper and other cellulosic fibres used as a medium for written current affairs periodicals published on newsprint, notably dailies and weeklies, as well as the Containers and Packaging used to deliver newspapers directly to the Ultimate Consumer or recipient (notably bags and elastic bands);

s) "Act" means the *Environment Quality Act* (CQLR, c. Q-2), as amended from time to time;

t) "Trademark" means a sign or combination of signs used by a person for the purpose of distinguishing or so as to distinguish Products or Services manufactured, sold, leased, hired or performed by the person from those manufactured, sold, leased, hired or performed by others, but does not include a certification mark within the meaning of section 2 of the *Trademarks Act*, (R.S.C. 1985, c. T-13);

u) "Materials" means containers, Packaging, Printed Matter or Newspapers included in a Class of Materials;

v) "Name" means the name under which any enterprise is carried on, whether it is the name of an individual, legal person, trust, partnership, cooperative or any other group of persons;

w) "Body" or "Certified Body" means a body certified by RECYC-QUÉBEC, specifically Éco Entreprises Québec and RecycleMédias;

x) "Person" means an individual, a legal person, a trust, a partnership, a cooperative or any other group of persons, as defined in the Act;

y) "Targeted Person" means a person covered by the Compensation Regime and subject, for the purposes of the Payable Contribution, to exemptions and other terms prescribed under Chapter 2 of the Schedule;

z) "Point of Sale" means a physical retail or sale outlet or distribution by e-commerce directly or indirectly used to sell or distribute Services or Products in Québec;

aa) "First Supplier" means a person who is domiciled or has an Establishment in Québec and is the first to take title, or possession, or control, in Québec, of a Material or a Product that is referred to in the Schedule;

bb) "Principal Distributor" means a person who is primarily engaged in the inventory management of Products and Services from various manufacturers or suppliers and intended to be sold or otherwise distributed to various retailers or e-commerce platform operators;

cc) "Product" means a material good, excluding any Newspaper, intended for an Ultimate Consumer, whether directly or indirectly sold or distributed otherwise;

dd) "Digital Products" means websites (including any portal) and other digital products devoted primarily to current events, that are owned by the Targeted Person or another member of the Person's corporate group;

ee) "Practical owner of the Group" means a franchisor or a person who has decisional power and real control of a franchise or a chain of Establishments operating under a banner name or as part of another similar form of affiliation or group of enterprises;

ff) "RecycleMédias" means a body certified by RECYC-QUÉBEC to represent companies that market Newspapers in Québec;

gg) " RECYC-QUÉBEC" means the *Société québécoise de récupération et de recyclage*, as designated in section 1 of the *Act respecting the Société québécoise de récupération et de recyclage* (CQLR, c. S-22.01);

hh) "Compensation Regime" means the compensation regime prescribed by Chapter IV, Division VII, subdivision 4.1 of the Act and by the Regulation, as amended from time to time;

ii) "Regulation" means the *Regulation respecting compensation for municipal services provided to recover and reclaim residual materials* (CQLR, c. Q-2, r.10);

jj) "Group" means a collection of enterprises or group of enterprises belonging to Persons that may be juridically distinct and independent from one another, or not, for which their activity is controlled by a person, which through one or many officers, hold a certain financial power, management or economic control over the running of the group of enterprises;

kk) "Service" means a service that is not a material good and that is intended for an Ultimate Consumer, whether it is sold or otherwise provided, either directly or indirectly;

2. DESIGNATION OF PERSONS SUBJECT TO PAYING A CONTRIBUTION

2.1. Targeted Persons

2.1.1. Persons referred to in sections 3 and 6 of the Regulation, being the owners or users of a Name or Trademark and who are domiciled or have an Establishment in Québec, are required to pay a Payable Contribution for:

1) Containers and Packaging used for commercialising, marketing or distribution of a Product or Service in Québec under such Name or Trademark;

2) Containers, Packaging and Newspapers identified by such Name or Trademark;

3) Containers and Packaging intended for a single or short-term use and designed to contain, protect or wrap Products, such as storage bags, wrapping paper and paper or Styrofoam cups; and

4) Materials included in the Printed Matter class identified by such Name or Trademark.

When a Product or a Service, a container, a Packaging, a Printed Matter or a Newspaper, that is mentioned in the first paragraph, is identified by more than one Name or Trademark having different owners, the Targeted Person is the owner of the Name or Trademark that is the most closely related to the production of the Product or the Service, the container, the Packaging, the Printed Matter or the Newspaper.

2.1.2. If the owner or the user of the Name or Trademark is neither domiciled nor has an Establishment in Québec, the payment of the Payable Contributions can then be required of the Person who is domiciled or has an Establishment in Québec and is acting therein as First Supplier, to the exclusion of the manufacturer of the Products or the Services, or of the Containers and Packaging, of such Printed Matter or such Newspaper.

When the First Supplier in Québec is operating a Point of Sale that is supplied or operated as a franchise or a chain of Establishments, under a banner name or as part of another similar form of affiliation or group of enterprises or Establishments, the payment of the Payable Contributions can then be required from the First Supplier acting as a Practical owner of the chain, banner or group in question, franchisor, owner of the chain or the banner, or the group of enterprises or establishments which has a domicile or establishment in Québec. If the practical owner does not have a domicile or Establishment in Québec, the payment of the contribution can then be required from the First Supplier in Québec, other than the manufacturer of such Products or Services, Containers and Packaging, Printed Matter or Newspaper.

2.1.3. Notwithstanding sections 2.1.1(1), (2) and (3) and section 2.1.2 of the Schedule, the following rules shall apply in respect of Containers and Packaging, whether or not labelled with a Name or Trademark, and added at a Point of Sale:

1) Where a Point of Sale is supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of enterprises or Establishments, the contribution for Containers and Packaging added at the Point of Sale is payable by the franchisor, owner of the chain, banner or group who is domiciled or has an Establishment in Québec. If this franchisor or owner of the chain has no domicile or Establishment in Québec, the contribution becomes payable by the person who proceeded to add those Containers and Packaging at the Point of Sale;

2) When a Point of Sale which has equal to or superior to 929m^2 of total floor area, is not operated as a franchise, a chain, a banner, or as part of another similar form of affiliation or group of enterprises or Establishments, the contributions for Containers and Packaging added at this Point of Sale are payable by the person who proceeded to add those Containers and Packaging at the Point of Sale;

3) When a Point of Sale which has less than 929m^2 of total floor area, is not operated as a franchise, a chain, a banner, or as part of another similar form of affiliation or group of enterprises or Establishments, no Payable Contribution is required for Containers and Packaging added at this Point of Sale.

2.1.4. Any Targeted Person who has a right of ownership in the Name or Trademark and who sells, transfers or otherwise assigns a right to another person during the Reference Year, remains, with the other person, fully and solidarily liable for the payment of the Payable Contribution for the Materials marketed and other amounts stipulated in the Schedule , for the entire Reference Year, including the period following the sale, transfer or otherwise assignment, notwithstanding the fact that at the moment that this Schedules comes into force or afterwards:

1) The Targeted Person is no longer the owner of the Name or Trademark that identifies Materials stipulated in the Schedule; or

2) The Targeted Person no longer markets the Materials; or

3) The Targeted Person is no longer the First Supplier in Québec of this Material.

2.1.5. Any Targeted Person who totally or partially sells, transfers, or otherwise assigns an enterprise to another person, during the Reference Year, remains, with the other person, fully and solidarily liable for the payment of the

Payable Contribution for the Materials marketed and other amounts stipulated in the Schedule, during the entire Reference Year, including the period following the total or partial sale, transfer, or otherwise assignment, notwithstanding the fact that at the moment that this Schedule comes into force or afterwards:

1) The Targeted Person is no longer owner of the Name or Trademark that identifies Materials referred to in the Schedule; or

2) The Targeted Person no longer markets the Materials; or

3) The Targeted Person is no longer the First Supplier in Québec of this Material.

2.1.6. Notwithstanding sections 2.1.1(1), (2) and (3) and section 2.1.2 of the Schedule, when a Product is acquired outside of Québec, through a sale subject to the laws of Québec, by a person domiciled or having an Establishment in Québec who is not exercising an organized economic activity, by a municipality, or by a public body as defined in section 4 of the Act respecting contracting by public bodies, (chapter C-65.1), for their own use, the payment of the contributions pursuant to section 53.31.14 of the Act, for the Containers and Packaging, whether or not labelled with a Name or Tradmark, used for commercialising, marketing or any other type of distribution of this Product in Québec is required:

1) From the person who operates a transactional website, through which the Product was acquired, that allows a person that has neither domicile nor an Establishment in Québec, to commercialise, to market or otherwise distribute a Product in the province;

2) from the person from whom the Product was acquired, whether or not this this person has a domicile or an Establishment in Québec, where applicable.

This is also the case, with the necessary modifications, for the containers and packaging, whether or not labelled with a Name or Tradmark, acquired outside of Québec, through sale subject to the laws of Québec, by a person domiciled or having an Establishment in Québec that does not exercise an organized economic activity, by a municipality, or by a public body as defined in section 4 of the *Act respecting contracting by public bodies*, (chapter C-65.1), for their own use.

These Persons cannot be exempted from the obligation to pay a Payable Contribution under section 2.2.2(3) of the Schedule.

2.2. Exempted Persons

2.2.1. In accordance with section 5 of the Regulation, the persons mentioned therein are exempt from paying a Payable Contribution for Containers and

Packaging for which they already have obligations to ensure the recovery and reclamation of said Materials:

1) Persons who are already required under a regulation made under the Act to take measures or contribute financially towards measures to recover or reclaim certain Containers and Packaging;
2) Persons already required under a consignment system recognized under Québec law to take measures or contribute financially towards measures to recover or reclaim Containers or packaging targeted by this system, such as beer and soft drink non-refillable containers;
3) Persons who are able to establish that they participate directly in another system to recover and reclaim Containers and Packaging that operates on an established and regular basis in Québec, such as the program for the recovery of refillable beer bottles existing since November 24, 2004.

2.2.2. The following are also exempt from paying a Payable Contribution in regard to Containers and Packaging and Printed Matter:

1) Targeted Persons subject to sections 2.1.1 and 2.1.2 of the Schedule, whose gross sales, receipts, revenues or other inflows in Quebec were less than or equal to $1,300,000 or who marketed in Québec one or more Materials of which the total weight of the Materials or group of Materials is less than or equal to one (1) metric ton;

2) Targeted Persons subject to sections 2.1.3 (2) and (3) of the Schedule whose gross sales, receipts, revenues or other inflows in Quebec were less than or equal to $1,300,000 or who marketed in Québec one or more Materials of which the total weight of the Materials or group of Materials is less than or equal to one (1) metric ton;

3) Targeted Persons who are retailers and operate only one Point of Sale and which location is not supplied or operated as a franchise or a chain of Establishments, under a banner name, or as part of another similar form of affiliation or group of enterprises or Establishments. However, those Targeted Persons referred to under subsection 2 of section 2.1.3 of the Schedule, cannot benefit from the present exemption.

2.2.3. Targeted Persons who demonstrate to RecycleMédias that the contributions prescribed in section 3.5 of the Schedule have been paid in full, on their behalf, by a third party recognized by RecycleMédias as a Voluntary Contributor under section 2.3, are exempted from paying said contributions.

2.2.4. In order to promote freedom of the press and lighten the administrative burden of RecycleMédias, Targeted Persons who own the Name or Trademark that identifies a Newspaper subject to contributions pursuant to the Schedule and who, during the Reference Year, marketed Newspapers weighing less than a total of fifteen (15) metric tons, are also exempted from the contribution payable for Newspapers.

2.3. Voluntary Contributor

2.3.1. The certified bodies may accept that a third party whose domicile and Establishment is outside Québec and who is the owner of a Name or Trademark becomes a voluntary contributor, notably if that third party:

1) is not exempt from paying a Payable Contribution pursuant to section 5 of the Regulation or section 2.2 of the Schedule; and
2) submit to the Certified Body, pursuant to section 6.1.7 of the Schedule, a Materials Report, by notably submitting the data and information required, enumerated under sections 6.1.3 or 6.1.5 of the Schedule and within the time set out in sections 6.1.3 or 6.1.6 of the Schedule;
3) satisfies the conditions set out in the following sections.

2.3.2. A Voluntary Contributor may only act to fulfill obligations that, according to the Schedule, with regard to their Products and Services, Containers and Packaging or Printed Matter or Newspapers, identified by a Name or Trademark, would be the responsibility of the First Supplier, but this does not have the effect of exempting the First Supplier from its obligations under the Schedule.

2.3.3. A third party may be recognized as a Voluntary Contributor after having entered into an agreement to that effect with a Certified Body, which includes, among other conditions:

1) That it undertakes to assume all of the obligations of a Targeted Person pursuant to the Schedule, notably the payment of any Payable Contribution, as well as the filing of the Materials Report, except for the payment exemptions under section 2.2.2;
2) That it undertakes, in regard to the First Suppliers, to fulfill any obligation flowing from the agreement;
3) That it undertakes to abide by Québec laws and agrees that lawsuits be instituted in the Province of Québec, according to Québec laws.

The third party who has entered into such an agreement is deemed to be a Targeted Person pursuant to the Regulation and the Schedule, subject to the limits imposed in the present section.

2.3.4. The Certified Body may decide to enter into the agreement provided under section 2.3.3 of the Schedule with a third party, whose domicile or Establishment is outside Québec, and, while not being owner of a Name or Trademark, is its principal distributor in Québec. Section 2.3.2 of the Schedule applies equally to this third party.

2.3.5. The First Supplier and the Voluntary Contributor are solidarily liable for the obligations they are subject to pursuant to the Schedule.

2.4. Publication of the names of Targeted Persons

2.4.1. Éco Entreprises Québec can make a list available including the names of any person who has fulfilled the obligations of section 6.1 of the Schedule and has consented to such disclosure.

2.4.2. RecycleMédias can publish on its website the names of any person, who according to it, meets the criteria of a Targeted Person under section 2.1 of the Schedule.

3. DESIGNATION OF CLASSES OF MATERIALS REQUIRING A CONTRIBUTION AND EXCLUSIONS TO THE SCHEDULE

3.1. "Containers and Packaging": included in the Payable Contribution

3.1.1. The Containers and Packaging defined in subsection e) of the section 1.1.1 of the Schedule and listed in Appendix A, as well as the Containers and Packaging sold or given out free of charge as Products, must be included in the establishment of the Payable Contribution.

3.2. "Containers and Packaging" excluded from the Payable Contribution

3.2.1. The following Containers and Packaging are excluded from the establishment of the Payable Contribution:

1) Containers and Packaging whose Ultimate Consumer is an industrial, commercial or institutional establishment;
2) Containers and Packaging whose Ultimate Consumer is an agricultural establishment, notably rigid containers of pesticides for agriculture use approved by the Pest Management Regulatory Agency and rigid containers of fertilizers approved by the Canadian Food Inspection Agency subject to the programs enacted by CleanFARMS/AgriRÉCUP;
3) The pallets, tertiary or transport packaging, designed to facilitate the handling and transport of a number of sales units or bundled packaging conceived in order to prevent physical handling and transport damage. However, Containers and Packaging that are likely to be used not only for such transportation but also for delivery of products directly to the Ultimate Consumer, including paper, carton, polystyrene protection or plastic film, remain covered and must consequently be included in the establishment of the Payable Contribution;
4) Containers and Packaging sold as products which are implicitly meant to contain or package materials other than those designated by the Compensation Regime, such as household waste, organic compost and biomedical waste;
5) Long-life Containers and Packaging are considered as such Containers and Packaging designed to accompany, protect or store a Product

throughout its life when the Product is designed to last for five (5) years or more;

6) Containers and Packaging accompanying a Product intended solely to be used or consumed by an Ultimate Consumer at the site of distribution or sale of the Product when such Containers or Packaging are taken into charge on that same site. As an example, but not limited to, such excluded Containers and Packaging are those accompanying food in a restaurant, but not those accompanying drive-thru and take-out orders.

3.3. "Printed Matter" included in the Payable Contribution

3.3.1. The Printed Matter defined in subsection q) of section 1.1.1 of the Schedule and listed in Appendix A, as well as any paper and other cellulosic fibres, whether or not they are sold or given out free of charge as Products, such as calendars and greeting cards, must be included in the establishment of the Payable Contribution.

Materials that can be identified by a Name or Trademark are considered as Printed Matter that should be included in the establishment of the Payable Contribution.

3.4. "Printed matter" excluded from the Payable Contribution

3.4.1. The following Printed Matter are excluded from the Payable Contribution:

1) Printed matter whose Ultimate Consumer is an industrial, commercial or institutional establishment;

2) Books as well as Materials included in the "Newspapers" Class of Materials;

3) Printed Matter already included in the "Containers and Packaging" Class of Materials;

4) Printed Matter serving as personal identification documents, official documents or that contain personal information, such as birth certificates, passports and medical records;

5) Printed Matter generated while providing a Service or accompanying a Product intended solely to be used or consumed by an Ultimate Consumer at the site of distribution or sale of the Service or the Product when such Printed Matter is taken into charge on that same site.

3.5. "Newspapers" included in the Payable Contribution

3.5.1. The Newspapers defined in subsection r) of section 1.1.1 of the Schedule must be included in the calculation of Payable Contribution.

3.6. Fees included in the Payable Contribution

3.6.1. The RECYC-QUÉBEC fees, the RecycleMédias fees and the Éco Entreprises Québec fees must be included in the calculation of the Payable Contribution.

4. DETERMINING THE PAYABLE CONTRIBUTION AMOUNT AND PAYMENT

4.1. Calculated Payable Contribution

4.1.1. For the 2024 Obligation Year:

1) A Targeted Person that has marketed Materials covered by the Payable Contribution in 2023 must pay a contribution for the 2024 Obligation Year, unless exempted therefrom under section 2.2 of the Schedule;

2) For the purpose of calculating the Payable Contribution for this 2024 Obligation Year, the Materials covered by the Payable Contribution that are to be considered are the Materials marketed in Québec during the Reference Year.

4.1.2. With respect to Containers, Packaging and Printed Matter, the amount of the Payable Contribution to be paid by a Targeted Person for the 2024 Obligation Year is determined by multiplying, for each of the Materials covered by the Payable Contribution, the quantity in kilograms of each of the Materials covered by the Payable Contribution that is marketed in Québec during the Reference Year applicable to this Obligation Year by the rate applicable to that Material pursuant to the applicable Contribution Table for such Obligation Year, attached hereto as Appendix A of the Schedule, respectively, and then by adding together all of these amounts.

4.1.3. With respect to Newspapers, the amount of the Payable Contribution to be paid by a Targeted Person for the 2024 Obligation Year is determined by multiplying the quantity of Materials in kilograms marketed by the Targeted Person in Québec during the Reference Year applicable for such Obligation Year by the rate applicable pursuant to the applicable Contribution Table for such Obligation Year, attached as Appendix A of the Schedule.

4.2. Flat-Rate Payable Contribution Option for the "Printed Matter" and "Packaging and Containers" Classes

4.2.1. Any Targeted Person who is not eligible for an exemption from payment under section 2.2.2 or any Targeted Person subject to section 2.3.1 may, at its option, for the Obligation Year related to this Reference Year, either pay the Calculated Payable Contribution under section 4.1 of the Schedule or pay a Flat-Rate Payable Contribution determined as follows:

1) When the total weight of the Material covered by the Payable Contribution or all the Materials covered by the Payable Contribution is less than or equal to 2.5 metric tons, the Flat-Rate Payable Contribution is equal to $1,010.

2) When the total weight of the Material covered by the Payable Contribution or all the Materials covered by the Payable Contribution is more than 2.5 metric tons but less than or equal to 5 metric tons, the Flat-Rate Payable Contribution is equal to $2,040.
3) When the total weight of the Material covered by the Payable Contribution or all the Materials covered by the Payable Contribution is more than 5 metric tons but less than or equal to 10 metric tons, the Flat-Rate Payable Contribution is equal to $4,070.
4) When the total weight of the Material covered by the Payable Contribution or all the Materials covered by the Payable Contribution is more than 10 metric tons but less than or equal to 15 metric tons, the Flat-Rate Payable Contribution is equal to $6,120.

4.3. Dates of payment of the Payable Contribution owing to Éco Entreprises Québec

4.3.1. With respect to the Printed Matter, containers and packaging class, the Targeted Person must pay to Éco Entreprises Québec the amount of the Calculated Payable Contribution within the time periods and according to the terms and conditions of payment indicated hereafter:

1) 80% of the Calculated Payable Contribution must be paid no later than the last day of the third month following the effective date of the Schedule of Contributions; and
2) The balance of the Calculated Payable Contribution must be paid no later than the last day of the fifth month following the effective date of the Schedule of Contributions.

4.3.2. Where a Targeted Person chooses to pay a Flat-Rate Payable Contribution, the Targeted Person must pay 100% of such amount no later than the last day of the third month following the effective date of the Schedule of Contributions.

4.4. Date of payment of the Payable Contribution owing to RecycleMédias

4.4.1. With respect to the Newspapers class, the Payable Contribution must be paid to RecycleMédias by the Targeted Person within ninety (90) days of receipt of any invoice. Each invoice must be paid in a single payment, unless RecycleMédias decides otherwise.

4.4.2. RecycleMédias may specify an alternative deadline for payment of the Payable Contribution.

4.5. Interest, administration fees and recovery amount

4.5.1. Subject to any additional amount required to be paid for the purposes of the Payable Contribution under a revised invoice, any Payable Contribution or part of the Payable Contribution owing by the Targeted Person that has not been paid to the Certified Body in the period fixed under section 4.3.1, 4.3.2 or 4.4.1 of the Schedule, and pursuant to the payment terms provided for at section 4.6 of the Schedule, will bear interest at the rate fixed by section 28 of the *Tax Administration Act* (CQLR, c. A-6.002), and this in conformity with section 53.31.16 of the Act. The interest is calculated daily on the amount owing from the date on which the Payable Contribution or such part of the Payable Contribution must be paid until the date of payment, at the rate mentioned hereabove. Any change in the rate will immediately bring a change to the payable interest rate pursuant to the present section.

However, the daily interest calculated between the date the invoice is issued pursuant to the Schedule and the date of payment are cancelled if the amount required by this invoice is paid at the latest thirty (30) days following the date the invoice was issued.

4.5.2. Subject to any additional amount required for the purposes of the Payable Contribution as per a revised invoice, any Targeted Person who has not paid part of the Payable Contribution within ninety (90) days following the date on which such part of the Payable Contribution is due pursuant to section 4.3.1, 4.3.2 or 4.4.1 of the Schedule, must pay, in addition to the interest required under section 4.5.1 of the Schedule, administrative fees equal to 10% of such part of the Payable Contribution owing in order to compensate for the administrative costs incurred by the Certified Body.

4.5.3. When referring to an amount owing to Éco Entreprises Québec, when a Targeted Person makes the written request and only minor administrative measures were necessary for Éco Entreprises Québec to claim a sum owed under the terms of the Schedule, a 50% reduction of the administrative fees that are due under section 4.5.2. can be applied.

The Targeted Persons that are subject to section 4.2 of the Schedule who have not been the object of any recovery measures by Éco Entreprises Québec under section 6.2.2 of the Schedule and who, voluntarily and in conformity with section 6.1 of the Schedule, register with Éco Entreprises Québec and submit a Materials Report to it, may be admissible to a credit equivalent to 100% of the administrative fees that are owed under the first paragraph upon the receipt of a written request.

4.5.4. Pursuant to section 53.31.16 of the Act, where a Certified Body commences a legal recourse to claim a sum it is owed, it may claim an amount equal to 20% of that sum.

4.6. Place and method of payment

4.6.1. Any payment, made according to the Schedule must be in Canadian legal currency.

4.6.2. Any payment, owed according to the Schedule may be made by cheque, pre-authorized debit, wire transfer or a centralized payment service.

In the event the payment is made by way of a wire transfer or by a centralized payment service, a written notice to that effect must be submitted to the Certified Body. If such notice is not forwarded, the Certified Body is exonerated from any liability if the amount of the payment is not applied.

5. CREDITS AND ECO-MODULATION MEASURES

5.1. Targeted Person eligible to credits and eco-modulation measures

5.1.1. Are eligible for the credits and other eco-modulation measures the Targeted Persons who have generated Containers, Packaging and Printed Matter during the Reference Year and having submitted a detailed report and paid in full their Calculated Payable Contribution due under the Schedule, within the prescribed deadlines, unless there is a prior written agreement with Éco Entreprises Québec.

5.1.2. Targeted Persons who are exempt from paying the Payable Contribution under section 2.2 of the Schedule or who have opted for a Flat-Rate Payable Contribution are not eligible for credits and other eco-modulation measures. However, Persons who are eligible for a Flat-Rate Payable Contribution but have elected to submit a detailed Materials Report are eligible for credits and other eco-modulation measures.

5.1.3. Éco Entreprises Québec has the authority to review all applications for credits, bonuses, and other eco-modulation measures and to request additional supporting documentation as required. The Targeted Persons applying for credit shall retain supporting data for their application for a period of five (5) years from the date they applied.

5.2. Credit for post-consumer recycled content

5.2.1. A Targeted Person that has generated Materials with a percentage of post-consumer recycled content that meets or exceeds the threshold set out in Appendix A is eligible to receive a credit of 20% of the Calculated Payable Contribution for the Materials concerned, where the Materials Report was submitted within the prescribed time period.

5.2.2. The credit shall be issued by means of a separate invoice issued within one year of the deadline for submission of the Materials Report concerned. The supporting documents required for the determination of this post-consumer

recycled content must be sent to the competent Certified Body before the payment due date of the 1st instalment of the Calculated Payable Contribution. Éco Entreprises Québec's application form available for this purpose must be completed and delivered on or before the due date for the Materials Report.

5.3. Ecodesign incentive bonus

5.3.1. A bonus of up to 50% of the contribution payable for the Containers or Packaging of a Product concerned by an ecodesign measure may be granted to any eligible Targeted Person who has carried out an ecodesign measure for Containers or Packaging and who demonstrates that their measures meet the requirements set out on the Éco Entreprises Québec website, when the total Payable Contribution to the Schedule has been paid in full, within the prescribed time period.

The Targeted Person must provide the supporting documents to the Certified Body within the required time period.

5.3.2. A Targeted Person may submit a bonus application to Éco Entreprises Québec for several Products. A separate application must be submitted by the Targeted Person for each container or packaging concerned by an ecodesign process.

The Targeted Person may obtain a credit of up to $25,000 per bonus application and may accumulate several credits up to a maximum amount of $60,000 per Targeted Person.

A minimum amount of $5,000 per Targeted Person will be awarded to any Targeted Person whose bonus applications are deemed eligible by the Certified Body. This minimum amount will be capped at the total amount of the Payable Contribution for the Reference Year, if it is less than $5,000.

The ecodesign bonus is granted only for the reported quantities of Containers and Packaging marketed during the Reference Year.

5.4 Penalty

5.4.1. In order to make Targeted Persons more accountable for the environmental and financial consequences of marketing certain Materials, a 20% penalty will be automatically applied by Éco Entreprises Québec when invoicing for generated quantities of "polyvinyl chloride (PVC)" and "polylactic acid (PLA) and other degradable plastics."

5.5 Environmental Consequences - Newspapers

5.5.1 To make Targeted Persons accountable for the environmental consequences of the marketing of Newspapers, and to promote the adoption of responsible behavior, each Targeted person who is the owner of the Name or Trademark

that identifies a newspaper, and who marketed Materials with a total weight equal to or greater than fifteen (15) metric tons during the Reference Year, must show that it has and offers one or more Digital Products throughout the entire Obligation Year. If a Targeted person fails to do so, an amount equal to 1 % of the Payable Contribution of such Targeted person may be invoiced by RecycleMédias as an additional Payable Contribution. The payment rules established for the Payable Contribution in the present Schedule shall apply to such additional Payable Contribution.

6 REGISTRATION OF TARGETED PERSONS AND MATERIALS REPORT

6.1 Registration of Targeted Persons and Materials Report

6.1.1 All Targeted Persons must register with the competent Certified Body with respect to the Class(es) of Materials marketed in conformity with the procedure set out in section 6.1.7 of the Schedule before its first Materials Report.

6.1.2 Registration with Éco Entreprises Québec must be made no later than the sixtieth (60th) day following the effective date of the Schedule to which the person is subject.

6.1.3 With respect to the Printed Matter and the Containers and Packaging classes, every Targeted Person must also submit a Materials Report to Éco Entreprises Québec, no later than the sixtieth (60th) day following the effective date of the Schedule, in order to determine the Payable Contribution.

Only Targeted Persons eligible for a payment exemption or a Flat-Rate Payable Contribution may elect to submit a simplified report, particularly by submitting the following data and information:

1) all the information requested by Éco Entreprises Québec in order to confirm eligibility; and

2) the two types of materials predominantly generated during the Reference Year;

Unless the Targeted Person has delivered a simplified Materials Report, the Targeted Person must deliver a detailed Materials Report, including the following data and information:

1) Quantities of Materials, measured in kilograms, covered by the Payable Contribution and marketed during the Reference Year;

2) a description of the methodology applied to extract data used to prepare the Materials Report, giving priority to the use of real data, capable of supporting the data entered in the portal and presenting product identification data, a description of each product or group of products, product format and weight and type of each of the components of the product;

3) a description of Materials deducted from the Materials Report, the number of kilograms or percentage applied based on the Materials, studies carried out to justify the deduction and reasons for the deduction, i.e. whether these are Materials recovered during home delivery, or products returned as part of a recall, products that are expired, damaged, unsaleable to a consumer or undistributed, or Materials used or recovered internally, unsold or undistributed;

4) a description of the containers and packaging and printed matter that the Targeted Person marketed and that are not mentioned in the Materials Report, as well as the quantity in kilograms of the marketed containers, packaging and printed matter;

5) a list of Names and Trademarks that form part of the Targeted Person's Materials Report, specifying status in regard to the Trademarks: owner, user, First Supplier or transactional website operator; and

6) a declaration as to the truthfulness of the information contained in the Targeted Person's Materials Report.

6.1.4 Registration with RecycleMédias must be made by any Targeted Person who has marketed Newspapers (including any Targeted Person who is exempt from contributions under section 2.2.3 of the Schedule) by sending the information required in Appendix C of the Schedule no later than the thirtieth (30th) day after the Targeted Person becomes subject to the Schedule.

6.1.5 With respect to the Newspapers class, any Targeted Person (including any Reporting Person exempt from contributions under section 2.2.3 of the Schedule) shall also file a report of Materials that was marketed during the Reference Year, by transmitting to RecycleMédias the information required in Appendix D of the Schedule, including but not limited to:

1) a list of the Names and Trademarks covered by the Materials Report of the Targeted Person;

2) a list and a description of the Materials excluded from the Materials Report used to establish the Targeted Person's Payable Contribution;

3) a statement certifying that the content of the Materials Report of the Targeted Person is true and accurate;

4) a list of the Digital Products that the Targeted Person owns and offers throughout the Obligation Year.

6.1.6 The Materials Report for the 2024 Obligation Year for RecycleMédias must be done by the Targeted Person no later than March 31, 2025;

6.1.7 The registration and Materials Report must be transmitted to the Certified Body electronically. This must be done by using the forms that are provided to this effect in the registration and reporting interfaces that are available on Éco Entreprises Québec's website at www.eeq.ca or on RecycleMédias' website www.recyclemedias.com, all according to the submission procedures described on any of the websites.

6.2 Billing, credits, reimbursement and penalties

6.2.1 With respect to the Targeted Person subject to the jurisdiction of Éco Entreprises Québec, upon receipt of the Materials Report from the Targeted Person, the Certified Body sends by e-mail to the Targeted Person who submitted the report one (1) or two (2) invoice(s) for the Payable Contribution, which is established based on the information contained in the Materials Report, and in relation to the type of Payable Contribution determined, whether calculated or flat-rate.

With respect to the Targeted Persons subject to the jurisdiction of RecycleMédias, the Certified Body sends to the Targeted Persons one or more invoices showing the Payable Contribution.

The present section cannot, however, be interpreted as exempting the Targeted Person from paying the Payable Contribution within the period stipulated in sections 4.3 and 4.4 of the Schedule.

The present section also cannot be interpreted as denying a Certified Body of its right to review such Materials Report and to send an imposed invoice or a revised invoice pursuant to sections 6.2.2, 6.2.3 and 6.2.4 of the Schedule.

6.2.2 Any failure to register, any failure to submit the Materials Report and the submission of an incomplete, late, erroneous or fraudulent Materials Report gives rise to the possibility that the Certified Body, at any time, may impose the amount of the Payable Contribution, by means of an estimate based on all elements in its possession, notably based on the installations or activities of the Targeted Person, or by way of a recognized fixed-price estimate method. These elements or methods remain confidential if personal information concerning a Targeted Person are used by the Certified Body to establish the imposed invoice. In this case, the Certified Body cannot be compelled to reveal these elements or methods. This imposed invoice is presumed valid and if it is contested, it belongs to the Targeted Person to establish that the invoice is ill-founded.

This imposed invoice includes interest and the administrative fees established pursuant to sections 4.5.1, 4.5.2 and 4.5.3 of the Schedule. Despite any contestation, any amount owed under the imposed invoice, must be paid in the thirty (30) days of the invoice being issued.

A penalty of up to $5,000 may also be charged by a Certified Body to a Targeted Person for failure to register, failure to report materials, and any incomplete, late, erroneous or fraudulent Materials Report. This penalty must be paid within thirty (30) days of the date the invoice was issued.

In the event that the Targeted Person subject to the first paragraph has previously been sent an imposed invoice under the terms of one or more previous Schedules, the Certified Body may require payment of an amount equivalent to an increase of at most 20% of the Payable Contribution in conformity with the first paragraph, as the case may be.

6.2.3 The competent Certified Body can, within a time period of three (3) years following the date when the Targeted Person submits the Materials Report, review the Materials Report submitted by the Targeted Person and require that the Targeted Person provide the necessary supporting documentation to the competent Certified Body within a time period of thirty (30) days. The Certified Body can also decide to make the necessary corrections after having informed the Targeted Person. Following these corrections, a revised invoice indicating the adjusted Payable Contribution is sent to the Targeted Person. This revised invoice is presumed valid and if it is contested, it belongs to the Targeted Person to establish that it is ill-founded.

Despite any contestation, the additional sum required for the purpose of the Payable Contribution as indicated in the revised invoice must be paid by the Targeted Person to the competent Certified Body within a time period of thirty (30) days following the issuance of this invoice.

The amount owed bears interest at the rate fixed by section 28 of the *Tax Administration Act* (CQLR, c. A-6.002), and this in conformity with section 53.31.16 of the Act. The interest is calculated daily on the unpaid amount, starting from the date this amount must be paid until the date of payment, at the rate mentioned here above. Any change to this rate automatically brings a change to the payable interest rate pursuant to the present section.

In addition to interest, any Targeted Person that has not paid the sum required within a time period of ninety (90) days following the date at which this sum is due, must pay fees equivalent to 10% of the sum owed to compensate for the administrative fees incurred by the competent Certified Body.

6.2.4 In the event that a Targeted Person believes that it has admissible grounds that could justify a revision of its Materials Report by the Certified Body, it must submit, within a period of two (2) years following the deadline to submit the Materials Report provided for at sections 6.1.3 or 6.1.6 of the Schedule, as the case may be, failing which its claim is forfeited, a request for revision of the Materials Report for approval to the Certified Body. All relevant documents and information allowing a Certified Body to proceed

with a complete analysis and to render an informed decision must be filed within the same time period. If the Certified Body deems that the documents and information received are not sufficient to support the request for revision, it may ask the Targeted Person to provide additional information. If this information is not provided within thirty (30) days, the Certified Body may refuse to process the request for revision. If a Certified Body approves the request for revision in whole or in part, a revised invoice of the Payable Contribution is then sent to the Targeted Person. This revised invoice is presumed valid and where it is contested, it belongs to the Targeted Person to establish that it is ill-founded.

Grounds permitted for requesting a revision of the Materials Report, subject to delivery of the appropriate supporting documents within the prescribed time and acceptance by the Certified Body, are as follows:

1) Incorrect formula in an Excel spreadsheet or similar "tool";

2) Incorrect logic in an Excel spreadsheet or similar "tool";

3) Incorrect Classification of Materials;

4) Incorrect input of the weight of Materials (e.g. 1 instead of 10);

5) Data input in the wrong units of measurement (e.g. grams instead of kilograms);

6) Incorrect or omitted quantities of Materials;

7) Incorrect exclusion of one or more Materials;

8) Inclusion of excluded Materials under the Schedule (e.g. books or long-life Materials); and

9) Duplication of Materials when several producers submit Materials Reports for the same Materials and the same Reference Year.

A change resulting from a change in Materials Report methodology is not grounds for an admissible request for revision.

If, within a time period of two (2) years following the time period established in sections 6.1.3 or 6.1.6 of the Schedule, as the case may be, a Targeted Person submits more than one amended Materials Report for approval to the Certified Body, said person is subject to pay administration fees corresponding to the greatest amount between $250 and 5% of the difference between the existing Payable Contribution and the Payable Contribution indicated in the new revised Materials Report submitted for approval, for a maximum of $25,000. Those administrative fees are payable at the time of submission of the revised Materials Report and prior to any analysis, by the Certified Body, of any revised Materials Report.

When any revised Materials report is approved by the competent Certified Body pursuant to the second paragraph, and a Targeted Person must pay a higher Payable Contribution than that of the previously accepted revised Materials Report by the Certified Body, the Certified Body may renounce to the Targeted Person having to pay the administration fees due under the second paragraph of this section. The amount of administration fees already paid is to be credited to the Targeted Person, as the case may be.

Despite any contestation, the additional amount required for the purposes of the Payable Contribution as indicated in the revised invoice must be paid by the Targeted Person within a time period of thirty (30) days following the issuance of this invoice. The amount owed will bear interest at the rate fixed by section 28 of the *Tax Administration Act* (CQLR, c. A-6.002), and in conformity with section 53.31.16 of the Act. The interest is calculated daily on the unpaid amount, starting from the date this amount must be paid until the date of payment, at the rate mentioned here above. Any change to this rate automatically brings a change to the payable interest rate pursuant to the present section.

In addition to interest, any Targeted Person that has not paid the sum required within the time period of ninety (90) days following the date at which this sum is due, must pay fees equivalent to 10% of the sum owed to compensate for the administrative fees incurred by the Certified Body.

6.2.5 Once the amended Materials Report is approved by a Certified Body, and it appears that the Targeted Person paid a contribution that was higher than it should have paid, the amount overpaid is credited to any Payable Contribution for the following Obligation Year, up to the adjusted contribution amount for the current Obligation Year. The Certified Body reimburses the Targeted Person, without interest, any amount exceeding this credit subject to any administration fees owed to the Certified Body pursuant to section 6.2.4(4) of the Schedule.

6.2.6 A Targeted Person to whom an imposed or revised invoice has been sent may attempt to arrive at an agreement with the competent Certified Body pursuant to chapter 7 of the Schedule if the dispute relates to the quantity or the qualification of Materials that should have been taken into account in the Materials Report. This process does not exempt, however, the Targeted Person from their obligation to pay the amount indicated in the imposed invoice in the period indicated at section 6.2.2 of the Schedule, or the additional sum required for the purpose of the Payable Contribution as indicated in the revised invoice within the time period indicated at sections 6.2.3 or 6.2.4, as the case may be. In the event where an agreement is reached and results in an overage paid, section 6.2.5 of the Schedule applies with any necessary adjustments.

6.3 Verification and conservation of files

6.3.1 A Certified Body reserves the right to require, from any Targeted Person, as well as any person whom the Certified Body has reasonable grounds to believe is a Targeted Person, the books, registries, accounting documents and any other documents deemed necessary by the Certified Body in order to establish the Payable Contribution by this person.

Any person to whom such a request is made must render this information available to be consulted and photocopied by the Certified Body, during normal business hours, no later than sixty (60) days following the receipt of a written notice from the Certified Body to that effect.

6.3.2 Other than the information and documents that the Targeted Person must submit in support of its Materials Report, the competent Certified Body reserves the right to require from the said person that it provide, within sixty (60) days following the receipt of a written notice, any supplementary information, such as, a complete list of Containers and Packaging, Printed Matter and Newspapers covered by the Schedule, whether or not this information was used in the preparation of the Materials Report, the data tables, audit reports, list of declared Trademarks and list of Trademarks excluded from the Materials Report and the distribution of percentages, which were used by the Targeted Person to complete its Materials Report.

6.3.3 When a Targeted Person does not provide the information and documents required by the Certified Body within the time period set out in sections 6.3.1 or 6.3.2, as the case may be, said person is subject to pay administration fees corresponding to the greatest amount between $250 and 1% of the Payable Contribution owed for the relevant Obligation Year following this default, for a maximum amount of $25,000.

6.3.4 Any Targeted Person must keep a record of all documents and other supports used to prepare the Materials Report for a period of at least five (5) years from the date that this Materials Report is transmitted.

7 DISPUTE RESOLUTION

7.1 Procedure

7.1.1 In the case of a dispute between the Targeted Person and the Certified Body regarding the quantity or the qualification of the Materials that should have been taken into account in the Materials Report following the issuance of an imposed invoice pursuant to section 6.2.2 of the Schedule, or following the issuance of a revised invoice pursuant to section 6.2.3 or 6.2.4 of the Schedule, the Targeted Person and the Certified Body will endeavour to resolve the dispute by way of discussions between their respective representatives in the thirty (30) days following the issuance of the invoice, a written notice of dispute or of a mutual agreement, which shall be recorded in writing.

7.1.2 If the dispute cannot be resolved during the prescribed period, the Certified Body may have recourse to the courts or to any alternative dispute resolution methods of its choice.

7.1.3 Non-payment or the failure by the Targeted Person to submit its Materials Report shall not be subject to an arbitration.

8. ADJUSTMENTS

8.1 Adjustments

8.1.1 In the case where, for a particular Class of Materials, Éco Entreprises Québec collects, following the expiry of the twenty-four (24) month period following the date where the balance for the Payable Contribution is due as prescribed by section 4.3.1 of the Schedule, an amount that exceeds by 4% the required amount to be paid for this Class of Materials, for one (1) year where said amounts become due: a) the amount of the compensation determined by RECYC-QUÉBEC, including the interest, administrative fees and applicable penalties, as the case may be, b) the amount necessary to indemnify Éco Entreprises Québec for its management costs and other expenses related to the compensation regime, as well as c) the amount payable to RECYC-QUÉBEC pursuant to section 53.31.18 of the Act (this last amount being identified in the present section, as being the "required amount"), Éco Entreprises Québec may issue a credit to Targeted Persons that have paid the Payable Contribution for the Obligation Year in which the surplus has accumulated. This credit will correspond to the amount collected above the exceeding 4% and is redistributed pro rata amongst the Payable Contributions by sub-class of Materials within each class, and then, by pro rata amongst the contributions paid by the Targeted Persons within each sub-class.

If Éco Entreprises Québec determines that it is likely to collect an amount exceeding 4% of the amount necessary, for a Class of Materials, following the expiry of the twenty-four (24) month period following the date on which the balance of the Payable Contribution is due under section 4.3.1 of the Schedule,

Éco Entreprises Québec may, even before the expiry of the twenty-four (24) month period, apply all or part of this amount to the Payable Contribution due, for this category of materials, for the current or a subsequent Obligation Year.

8.1.2 In the case where RecycleMédias collects, for the Obligation Year, an amount exceeding 5% the amount necessary to pay in respect to the Newspapers class: a) the amount of the annual compensation determined by the Société Québécoise de récupération et recyclage, including the interests and the administrative fees and applicable penalties, as the case may be, b) the RECYC-QUÉBEC fees and c) the fees of RecycleMédias, RecycleMédias may grant a credit to those Targeted Persons of the Newspapers class who have paid their Payable Contributions for the Obligation Year for which this excess has accumulated. This credit will correspond to the amount collected in excess of the 5% and will be distributed pro rata to the Payable Contributions paid by the Targeted Persons of the Newspapers class.

8.1.3 In the case where Éco Entreprises Québec does not collect the required amount for a Class of Materials following the expiry of the twenty-four (24) month period following the date where the balance for the Payable Contribution is due pursuant to section 4.3.1 of the Schedule, Éco Entreprises Québec can require from Targeted Persons for this Class of Materials the amount needed to satisfy the difference. This amount is distributed pro rata amongst the required contributions by a sub-class of Materials within this Class and then, by pro rata amongst the required contributions for each Targeted Person within each sub-class. This amount must be paid to Éco Entreprises Québec by the Targeted Persons within a time period of thirty (30) days following the transmission of an invoice to this effect by Éco Entreprises Québec. The sections 4.5 and 4.6 of the Schedule are applicable for this amount by making the necessary modifications.

If Éco Entreprises Québec judges that it will most likely not be able to collect the amount necessary for a Class of Materials, at the expiry of a twenty-four (24) month period following the date at which the balance of the Payable Contribution is due pursuant to section 4.3.1 of the Schedule, Éco Entreprises Québec can, even before the expiry of the twenty-four (24) month period, require an amount that it deems necessary to satisfy the difference. This amount is distributed pro rata amongst the required contributions by sub-class of Materials within this Class, and then, pro rata amongst the required contributions to be paid by the Targeted Persons within each sub-class. This amount must be paid to Éco Entreprises Québec by the Targeted Persons within thirty (30) days following the transmission of an invoice to this effect by Éco Entreprises Québec. The sections 4.5 and 4.6 of the Schedule are applicable to this amount by making the necessary modifications.

8.1.4 In the event that RecycleMédias does not collect, for the Obligation Year, or determines that it is unlikely to collect, the amount necessary to pay in regards to the Newspapers class: a) the compensation amount determined by the RECYC-QUÉBEC, including interest and administrative fees and applicable penalties, as the case may be, b) RECYC-QUÉBEC's fees, and c) RecycleMédias' fees, RecycleMédias may request from the Targeted Persons of the Newspapers class the amount required to make up the difference. This amount shall be distributed pro rata amongst the required contributions payable by each Targeted Person for the Obligation Year. In such a case, this amount shall be paid to RecycleMédias by the Targeted Persons of the Newspapers class within a period of thirty (30) days following the transmission of an invoice for this purpose by RecycleMédias. Sections 4.5 and 4.6 of the Schedule shall apply to this amount, *mutatis mutandis*.

9. EFFECTIVE DATE AND DURATION

9.1 Effective Date

9.1.1 The Schedule shall be effective on the day of its publication in the *Gazette officielle du Québec*.

9.2 Duration

9.2.1 The Schedule is valid for the 2024 Obligation Year.

APPENDIX A: 2024 CONTRIBUTION TABLE

Payable Contributions for the period from January 1st through December 31st, 2023[1]

A. Payable Contributions for the classes of Printed Matter and Containers and Packaging

Class of Materials	Sub-class of Materials	Materials	Annualized contributions ¢/kg	Credit for recycled content (Threshold to achieve[2])
Printed Matter		• Newsprint inserts and circulars	27.644	80 %
		• Catalogues and publications	39.075	50 %
		• Magazines		50 %
		• Telephone books		80 %
		• Paper for general use		80 %
		• Other Printed Matter		
Containers and Packaging	Paperboard[3]	• Corrugated cardboard	28.202	n/a
		• Kraft paper shopping bags		100 %
		• Kraft paper packaging		100 %
		• Boxboard and other paper packaging	37.171	n/a
		• Gable-top containers	42.583	n/a
		• Paper laminants	59.535	100 %
		• Aseptic containers	50.838	n/a
		• Cork and wood	77.751	n/a
		Alternative fibres	37.171	n/a
	Plastics	• Polyethylene terephthalate (PET) bottles	43.673	100 %
		• High-density polyethylene (HDPE) bottles and containers < 5l.	27.119	100 %
		• Plastic laminants	87.415	n/a
		• Plastic HDPE and Low-density polyethylene (LDPE) films	91.432	n/a
		• HDPE, LDPE plastic shopping bags		n/a
		• Expanded Polystyrene – food packaging	144.685	n/a
		• Expanded Polystyrene – cushioning packaging		n/a
		• Non expanded Polystyrene		n/a

[1] For the calculation of the contribution for the 2024 Obligation Year, the Targeted Persons must, without fail, for the purposes of the application of chapters 4 and 6 of the Schedule, declare the materials that were marketed in Québec for the twelve (12) months comprised between January 1st and December 31st of the Reference Year, that is prescribed in section 4.1 of the Schedule.

[2] See section 5.2 of the Schedule.

[3] Also includes other fibers.

A. Payable Contributions for the classes of Printed Matter and Containers and Packaging

Class of Materials	Sub-class of Materials	Materials	Annualized contributions ¢/kg	Credit for recycled content (Threshold to achieve[2])
		• PET containers	43.673	100 %
		• Polyvinyl chloride (PVC)	144.685	n/a
		• Polylactic acid (PLA) and other degradable plastics		n/a
		• Polypropylene (PP)	45.106	n/a
		• Other plastics, polymers and polyurethane	58.047	n/a
	Aluminum	• Food and beverages aluminum containers	6.511	n/a
		• Other aluminum Containers and Packaging		
		Aluminium aerosol containers	6.511	n/a
	Steel	• Steel aerosol containers	28.769	n/a
		• Other steel containers		
	Glass	• Clear glass	32.255	n/a
		• Coloured glass	32.306	n/a
		• Ceramic and porcelain	71.919	n/a

B. Payable Contribution for the Newspaper class

Class of Maters	Matter	Annualized contributions ¢/kg
Newspapers	• Newspapers	28.057
	• Containers or packaging used to deliver Newspapers directly to Ultimate Consumer or recipient (including bags or rubber bands)	91.432

APPENDIX B: ESTABLISHMENT IN QUÉBEC

For the purposes of this Appendix, a Targeted Person is referred to as an "enterprise".

An enterprise is deemed to be domiciled in Québec when its head office is in Québec.
Although not domiciled in Québec, an enterprise may still have one or several Establishments in Québec.

Here are some non-exhaustive examples provided solely as a guide to assist in determining whether an enterprise has an Establishment in Québec for the purposes of the Schedule:

a) The enterprise indicates an address in Québec in the "Établissements" section of the report it filed with the Registraire des entreprises du Québec or in its corporate bylaws or regulations.

b) Insurance companies or financial institutions:
An enterprise that offers insurance or financial products in Québec and holds a license issued by the Autorité des marchés financiers ("AMF") is deemed to have an Establishment in Québec.

c) The owner of immovable property in the province:
When an enterprise owns an immovable in Québec, that immovable is presumed to be an Establishment.

d) An enterprise using equipment or machinery in the province:
When an enterprise does not have a fixed place of business in the province, it may still have an Establishment at the place where it uses an important quantity of machinery or material for a particular moment within a Reference Year. Said enterprise is then deemed to have an Establishment at such place.

e) Commercial activities in the province related to raw materials:
When the activities of an enterprise consist of producing, growing, excavating, mining, creating, manufacturing, improving, transforming, preserving or constructing, in full or in part, anything in Québec, whether or not the sale of the thing occurs in Québec or elsewhere, this activity will allow us to conclude that the enterprise possessed an Establishment in Québec in the year in which the activity took place.

f) A representative in Québec:
The Establishment of an enterprise signifies a fixed place or a principal place where it carries on business. An Establishment also includes an office, a residence, a branch, a mine, a gas or oil well, an agricultural endeavor, a woodlot, a factory, a storage facility or a workshop.

When an enterprise is operated or represented through an employee, an agent or a mandatary who is established at a particular place and has general authority to contract for his employer or mandator, or who possesses an inventory of merchandise belonging to the employer or mandator that is used to regularly fill orders that such employee, agent or mandatary receives, the enterprise is deemed to have an Establishment at this place, even if the orders are sometimes placed with a distribution center that is situated outside of Québec.

g) Commission agent, broker, other independent agent or subsidiary:
An enterprise is not deemed to have an Establishment by the sole fact that it has a business relationship with someone else through a commission agent, a broker or any other independent agent, or by the fact that it maintains an office or a warehouse for the sole purpose of purchasing merchandise; it will also not be deemed to have an Establishment in a place for the sole reason that it controls a subsidiary that itself carries on business in the province.

Attention: A person acting as an "attorney for service" for a legal person that is registered at the *Registraire des entreprises* du Québec does not constitute an element that would be considered sufficient to determine that the legal person has an Establishment in Québec.

APPENDIX C: REGISTRATION WITH RECYCLEMÉDIAS OF A TARGETED PERSON

Name of the company;
Nature of liability;
Head office address and telephone number;
If the head office is not in Québec, address and telephone number of the domicile or an Establishment in Québec;
Company's website;
Name and contact information for the company's primary contact.

APPENDIX D: MATERIALS REPORT FOR RECYCLEMÉDIAS

Obligation year;
Reference year;
The quantity of Newspapers marketed in Québec, in metric tons (distinguishing between papers and other cellulosic fibers, and then separately Containers and Packaging);
A list of the Names and Trademarks that are part of the Materials Report of the Targeted Person;
A list and description of the excluded Materials that have been omitted from the Targeted Person's Materials Report;
A statement of the Targeted Person certifying that the content of the Materials Report is true and accurate;
A list of the Digital Products that the Targeted Person owns and offers throughout the Reference Year 2024.

Notwithstanding the foregoing, as provided in section 6.3.2, RecycleMédias reserves the right to request the Targeted Person to provide additional information that was used by the Targeted Person to complete its Materials Report.

106905

Draft Regulations

Draft Regulation

Environment Quality Act
(chapter Q-2; 2021, chapter 7)

Natural Heritage Conservation Act
(chapter C-61.01)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1)

Act respecting the conservation and development of wildlife
(chapter C-61.1)

Act respecting threatened or vulnerable species
(chapter E-12.01)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6)

Pesticides Act
(chapter P-9.3)

Sustainable Forest Development Act
(chapter A-18.1)

Food Products Act
(chapter P-29)

Regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works

Flood protection works

Transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulations establishing a new development regime in flood zones and regulating flood protection works

Activities in wetlands, bodies of water and sensitive areas

Regulatory scheme applying to activities on the basis of their environmental impact

Environmental impact assessment and review of certain projects

— Amendment

Various regulations
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulations appearing below may be made by the Government on the expiry of 90 days following this publication.

The draft Regulations modernize the regulatory regime that applies to activities carried out in littoral zones, on lakeshores and riverbanks or in the flood zone of a lake or watercourse, and to provide the regulatory measures applicable to flood protection works and channel migration zones of watercourses, in particular in order to take into account the impact of certain activities on human safety and property protection. In broad terms, the draft Regulations determine the responsibilities of municipalities in the implementation of the regulatory regime, set up new classes of flood zones established by the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks under the Environment Quality Act (chapter Q-2), which reflect the impact of the presence of a flood protection works, provide the rules that apply to flood protection works and channel migration zones, and make changes to the terminology relating to wetlands and bodies of water.

The draft Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works is the centerpiece of the proposed new regulatory regime and its application is largely delegated to municipalities. It replaces the current Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (chapter Q-2, r. 32.2). It defines the various environments covered and, as regards flood zones specifically, it refers to flood zones with boundaries established under the former methods in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35) and to the new flood zones whose boundaries are determined by the classes established by the Minister. It lists certain activities that are prohibited depending on the type of environment in which they are carried out. It also lists the activities that require a municipal permit before they may be carried out, as well as the requirements that apply to the issue of such an authorization. In addition, it prescribes the conditions for carrying out the activities that require a municipal permit. The draft Regulation includes the criteria and procedures

applicable to a flood risk management plan prepared by a regional county municipality allowing the municipality, if certain requirements are met for the purpose, to authorize certain activities that would be otherwise prohibited or restricted by the draft Regulation, as well as the criteria a by-law adopted under section 79.1 of the Act respecting land use planning and development (chapter A-19.1) to implement such a management plan must meet in order to be approved by the Minister of Municipal Affairs, Regions and Land Occupancy under section 79.17 of the Act. Lastly, the draft Regulation provides requirements regarding the keeping of information and documents and reporting that apply to municipalities, as well as the sanctions applicable for non-compliance with the Regulation.

The draft Flood Protection Works Regulation provides regulatory measures for flood protection works to enhance the safety of communities, in particular those that are currently situated behind a flood protection works, but also of communities in which new flood protection works may be built. The draft Regulation makes it possible to obtain needed knowledge and information about flood protection works and regulates the authorization of activities that may impact the safety, monitoring and maintenance of those works.

The draft Flood Protection Works Regulation thus provides rules that apply to the studies that a municipality would have to conduct to have more information about the flood protection works in its territory. It also proposes design, performance, monitoring and maintenance standards for this type of works. It prohibits certain activities and prescribes the conditions for carrying out activities on flood protection works that are not referred to in the draft Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works. It prescribes the information to be kept in the public register of flood protection works created by the Environment Quality Act (chapter Q-2). In addition, for the municipalities subject to an order made under section 46.0.13 of the Act, the draft Regulation provides the content of the notice to be registered in the land register. Lastly, the Flood Protection Works Regulation provides the sanctions applicable for non-compliance with its provisions.

The draft Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulations establishing a new development regime in flood zones and regulating flood protection works provides the rules that apply in a range of situations in which changes are made to the boundaries of flood zones and channel migration zones, as well as the rules that apply to situations in progress at the time of coming into force of certain regulations referred to in this Notice.

The Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q 2, r. 0.1) is replaced by the draft Regulation bearing the same title. It applies to activities carried out in wetlands, bodies of water and sensitive areas not covered by the draft Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works and its application remains under the responsibility of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks. It prohibits certain activities depending on the type of environment in which they are carried out. It also prescribes the conditions for carrying out certain activities, as well as the sanctions that apply for non-compliance with its provisions.

The Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended to review or provide requirements that apply to the activities requiring authorization under section 22 of the Environment Quality Act, the activities eligible for a declaration of compliance under section 31.0.6 of the Act and the activities that are exempted from authorization under section 31.0.11 of the Act when those activities are carried out in wetlands or bodies of water or on a flood protection works, or relate to such a works.

Some amendments are made to the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q 2, r. 23.1) to subject certain projects relating to a flood protection works, such as construction, extension, raising, lowering and shortening of a flood protection works, the conversion of an existing infrastructure into a flood protection works, as well as the demolition or neutralization of such works, with some exceptions, to a process of environmental impact assessment and review.

Various consequential amendments are made to the following regulations in order to harmonize the terminology used to designate wetlands and bodies of water, in particular in regard to flood zones and channel migration zones:

— Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin (chapter Q-2, r. 5.1);

— Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1);

— Design code of a storm water management system eligible for a declaration of compliance (chapter Q-2, r. 9.01);

— Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1);

— Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14);

— Regulation respecting the liquid effluents of petroleum refineries (chapter Q-2, r. 16);

— Regulation respecting the burial of contaminated soils (chapter Q-2, r. 18);

— Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);

— Regulation respecting used tire storage (chapter Q-2, r. 20);

— Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22);

— Agricultural Operations Regulation (chapter Q-2, r. 26);

— Regulation respecting pulp and paper mills (chapter Q-2, r. 27);

— Snow, road salt and abrasives management Regulation (chapter Q-2, r. 28.2);

— Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

— Regulation respecting the protection of waters from pleasure craft discharges (chapter Q-2, r. 36);

— Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37);

— Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46);

— Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48);

— Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49);

— Regulation respecting wildlife habitats (chapter C-61.1, r. 18);

— Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3);

— Regulation respecting the Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite (chapter C-61.01, r. 1.1);

— Regulation respecting the Réserve de biodiversité Akumunan (chapter C-61.01, r. 71.1);

— Regulation respecting the Réserve de biodiversité Buttes-et-Buttons-du-Lac-Panache (chapter C-61.01, r. 71.2);

— Regulation respecting the Réserve de biodiversité Drumlins-du-Lac-Clérac (chapter C-61.01, r. 71.3);

— Regulation respecting the Réserve de biodiversité Kakinwawigak (chapter C-61.01, r. 72);

— Regulation respecting the Réserve de biodiversité Katnukamat (chapter C-61.01, r. 73);

— Regulation respecting the Réserve de biodiversité Des Méandres-de-la-Taitaipenistouc (chapter C-61.01, r. 74);

— Regulation respecting the Réserve de biodiversité de la Moraine-d'Harricana (chapter C-61.01, r. 75);

— Regulation respecting the Réserve de biodiversité Opasatica (chapter C-61.01, r. 76);

— Regulation respecting the Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes (chapter C-61.01, r. 77);

— Pesticides Management Code (chapter P-9.3, r. 1);

— Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01);

— Regulation respecting food (chapter P-29, r. 1).

Consequential amendments are also made to those regulations to prohibit certain activities in certain wetlands and bodies of water and to specify or add conditions for the carrying out of other activities in those environments. Specifically, the amendments made to the Agricultural Operations Regulation and the Pesticides Management Code suspend the application of certain agriculture practice standards, in particular in respect of a vegetation strip around a lake, watercourse or ditch to allow farmers to adapt to the new requirements.

The requirements and amendments proposed by those draft Regulations may impact businesses and the public. Improving risk management and the establishment of new land use development standards may reduce the vulnerability of persons and property to flood and channel migration hazards. Damage caused to buildings by floods and, as a result, future indemnity and emergency expenses in the event of a disaster will therefore be decreased. The draft Regulations tighten however the land use standards for the public and businesses whose property is situated in a flood zone. In addition, new individuals and businesses will be subject to the draft Regulations as a result of the new map and the addition of channel migration zones. The draft Regulations change the requirements relating to some of the existing administrative formalities. Eventually, the net cost of administrative requirements is expected to increase by $1.7 million per year, approximately $0.4 million of which would be assumed by businesses.

In sum, the draft Regulations are expected to generate $48.4 million in one-time costs and $7.6 million in annual costs for the impacted stakeholders as a whole.

Further information on the draft Regulations may be obtained by contacting Renée Plamondon, Director, Land use planning and bodies of water, Direction générale des politiques de l'eau, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 675, boulevard René-Lévesque Est, 8e étage, boîte 42, Québec (Québec) G1R 5V7; telephone: 418 521-3885, extension 4023; email: Consultation.Damh@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 90-day period to Renée Plamondon, using the contact information above.

BENOIT CHARETTE
Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

MAÏTÉ BLANCHETTE VÉZINA
Minister of Natural Resources and Forests

ANDRÉ LAMONTAGNE
Minister of Agriculture, Fisheries and Food

Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works

Environment Quality Act
(chapter Q-2, s. 46.0.2, 3rd par., subpars. 2 and 2.1, s. 46.0.22, pars. 8, 10, 11, 12, 13, 14, 17 and 18, s. 95.1, 1st par., subpars. 7 and 13 and 2nd par. and ss. 115.47, 118.3.5 and 124.1)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, ss. 30, 1st par. and 45, 1st par.)

CHAPTER I
GENERAL

DIVISION I
SCOPE

1. This Regulation provides, primarily as a complement to the rules set out in other Acts and regulations and in municipal by-laws, rules that apply to various activities carried out in bodies of water described in section 46.0.2 of the Act and on flood protection works situated in the territory governed by the municipalities, including in reserved areas and agricultural zones established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

The foremost purpose of the rules is to provide greater protection for those bodies of water and to reduce the vulnerability of persons and property exposed to flooding or watercourse channel migration.

2. The local municipalities are responsible for enforcement of this Regulation, except sections 131 to 152, which are under the Minister's responsibility.

3. This Regulation does not apply to

(1) activities carried out pursuant to an order made under the Act or a notice of execution issued under the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6);

(2) construction and maintenance of a domestic waste water management and treatment facility to which the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22) applies;

(3) activities regulated by the Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01), except

(*a*) construction, widening and straightening of a road under the management of the Minister responsible for the Act respecting roads (chapter V-9) and that is classified as an autoroute or a national, regional or collector route; and

(*b*) construction, improvement and repair of a road or a route that skirts a watercourse or lake, encroaching on its bed or riparian ecotone within the meaning of section 2 of that Regulation;

(4) activities carried out in a natural setting or an area designated under the Natural Heritage Conservation Act (chapter C-61.01), if the activities require authorization under that Act;

(5) activities carried out in a wildlife preserve to which the Act respecting the conservation and development of wildlife (chapter C-61.1) applies;

(6) activities carried out in a habitat of a threatened or vulnerable plant species identified under paragraph 2 of section 10 of the Act respecting threatened or vulnerable species (chapter E-12.01), if the activities require authorization under that Act or under the Act respecting the conservation and development of wildlife; or

(7) activities involving the use of pesticides regulated under the Pesticides Management Code (chapter P-9.3, r. 1) and under the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2).

4. Section 118.3.3 of the Act does not apply to a municipality that regulates an activity regulated by this Regulation or that establishes boundaries for a lakeshore or riverbank that are wider than a width specified in the definition of "lakeshore" and "riverbank" in section 5.

DIVISION II
DEFINITIONS

5. In this Regulation, unless the context indicates a different meaning,

"Act" means the Environment Quality Act (chapter Q-2); (*Loi*)

"body of water" means an area meeting the criteria set out in section 46.0.2 of the Act, characterized in particular by the permanent or temporary presence of water that may occupy a bed and may be stagnant or in movement, such as a lake or watercourse, and including their littoral zones, shores and banks, channel migration zones and flood zones; (*milieu hydrique*)

"boundary of the littoral zone" means the boundary separating the littoral zone from the lakeshore or riverbank, determined using the methods set out in Schedule I; (*limite du littoral*)

"building" means a fixed, mobile or floating structure having a roof and used or intended to be used to shelter, house or receive persons, animals, foodstuffs or any other thing; (*bâtiment*)

"channel migration zone" means an area in which the bed of the watercourse may shift as a result of various physical processes including erosion and sedimentation, and whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act; (*zone de mobilité*)

"culvert" means a structure built under embankments that allows water to flow under a road, a railway or similar infrastructure, designed in a way that ensures that its length is based on the width of the infrastructure; (*ponceau*)

"ditch" means a ditch along a public or private road, a common ditch or a drainage ditch, as defined in subparagraphs 2 to 4 of the first paragraph of section 103 of the Municipal Powers Act (chapter C-47.1); (*fossé*)

"flooded land" means the area flooded during the spring floods of 2017 or 2019, lying within the perimeter delimited pursuant to subparagraph 6 of the first paragraph of Schedule II and, where applicable, lying outside the boundaries of the low-velocity and high-velocity zones identified using one of the means referred to in subparagraphs 1 to 3 of the first paragraph of Schedule II; (*territoire inondé*)

"flood protection works" means flood protection works within the meaning of section 1 of the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*), extending over 3 m from its downstream toe and upstream toe, calculated from the works; it is not considered to be a wetland or body of water within the meaning of section 46.0.2 of the Act despite the possible presence of water; (*ouvrage de protection contre les incendies*)

"flood zone" means an area that is likely to be occupied by the water of a lake or watercourse during flood periods, whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act or, if the boundaries have not been established, are established as provided in Schedule II; (*zone inondable*)

"fording site" means a site laid out in the bed of a watercourse enabling the watercourse to be crossed; (*passage à gué*)

"high-velocity flood zone" means the part of the flood zone associated with a 20 year flood recurrence; a flood zone in which high-velocity and low-velocity zones are not identified is considered to be a high-velocity flood zone; (*zone inondable de grand courant*)

"ice jam flood zone" means an area that, because of the accumulation of ice in a section of a lake or watercourse during flood periods, may be occupied by water because of the impoundment of water upstream of the lake or watercourse whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act or, if the boundaries have not been established, are established as provided in Schedule II; (*zone d'inondation par embâcle de glaces*)

"invasive exotic plant species" means a plant introduced outside its natural distribution area that may constitute a threat to the environment, biodiversity, human health, the economy or society; (*espèce floristique exotique envahissante*)

"lakeshore" and "riverbank" mean the strip of land bordering a lake or watercourse and having the following width, measured inland and horizontally from the boundary of the littoral zone:

(1) 10 m if the slope is less than 30% or, if the slope is 30% or greater, it has a bank that is not higher than 5 m;

(2) 15 m if the slope is 30% or greater and is continuous or it has a bank higher than 5 m; (*rive*)

"littoral zone" means the part of a lake or watercourse that extends from the boundary separating it from the lakeshore or riverbank towards the centre of the water body; (*littoral*)

"low-velocity flood zone" means the part of the flood zone, beyond the boundaries of the high-velocity zone, associated with a 100 year flood recurrence; flooded land is considered to be such a zone; (*zone inondable de faible courant*)

"Minister" means the Minister responsible for the administration of the Environment Quality Act (chapter Q-2); (*ministre*)

"professional" means a professional within the meaning of section 1 of the Professional Code (chapter C-26); any person authorized by a professional order to perform an activity reserved for members of the order is also considered to be a professional; (*professionnel*);

"public body" means a body to which the Government or a minister appoints the majority of the members, to which, by law, the personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1), or at least half of whose capital stock is derived from the Consolidated Revenue Fund; (*organisme public*);

"public road" means a public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2); (*voie public*)

"rut" means a track on the surface of the ground measuring at least 4 m in length and created by the wheels or crawlers of a motorized or non-motorized machine; on organic soil, a rut is considered to be the torn plant cover and on mineral soil, a track having a depth of more than 200 mm measured from the litter surface is considered to be a rut; (*ornière*)

"sewer system" means any works used to collect, store, transport or treat wastewater, in whole or in part of domestic origin, before being discharged into the environment, with the exception of

(1) a sewer line serving a single building, connected to a sewer system, located within the property line for the building;

(2) a storm water management system to collect wastewater of domestic origin from an overflow, or treated wastewater; and

(3) equipment or a device to treat water, other than wastewater of domestic origin, that is not operated by a municipality; (*système d'égoût*)

"storm water management system" means any man-made works used to collect, store, transport or treat storm water, including a ditch, with the exception of

(1) a sewer system;

(2) a line serving a single building, connected to a storm water management system, located within the property line for the building;

(3) equipment or a device to treat water other than storm water; and

(4) a watercourse; (*système de gestion des eaux pluviales*)

"watercourse" means any mass of water running along a bed in a regular or intermittent flow, including a bed created or altered by human intervention, showing signs

or traces of waterflow, including the St. Lawrence River, the estuary and the Gulf of St. Lawrence and all the seas surrounding Québec, excluding a ditch; (*cours d'eau*)

"waterworks system" means a mains, a system of mains or a facility or equipment used to treat, store or supply water intended for human consumption, with the exception of,

(1) in the case of a building connected to a waterworks system, a mains or any other equipment serving the building and that is located within the property line for the building; and

(2) in the case where more than one building belonging to the same owner is served by a system also belonging to the owner, a mains or any other equipment located within the buildings; (*système d'aqueduc*)

"wetland" means an area meeting the criteria set out in section 46.0.2 of the Act, characterized in particular by hydromorphic soils or vegetation dominated by hygrophilous species, such as a pond, marsh, swamp or peatland. (*milieu humide*)

Despite the first paragraph, the following works are not considered to be a body of water, a lake or a watercourse:

(1) flood protection works;

(2) the following man-made works:

(*a*) an irrigation pond;

(*b*) a water management or treatment facility referred to in subparagraph 3 of the first paragraph of section 22 of the Act;

(*c*) a water retention body containing water pumped from a quarry or a sand pit, if the quarry or sand pit has not been restored;

(*d*) a commercial fishing pond;

(*e*) a pond for the production of aquatic organisms;

(*f*) a basin reserved for fire-fighting purposes;

(*g*) a basin the bottom of which was created using artificial materials and is used for recreational purposes such as bathing, games and sports.

For the purposes of subparagraph 2 of the second paragraph,

(1) the works must be situated on land, in a flood zone or a long-term channel migration zone, excluding the littoral zone, a lakeshore and riverbank, a short-term channel migration zone and a wetland;

(2) the works must still be in use or, if not in use, must have remained unused for less than 10 years;

(3) a water environment resulting from work under a program to restore and create wetlands and bodies of water developed under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) or under the Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1) is not considered to be man-made works; and

(4) a wetland or body of water into which storm water is discharged cannot be considered to be a water management or treatment facility.

6. The flood zones, whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act, are grouped into the following 4 classes of flood hazard intensity that reflect in particular the likelihood of occurrence and the above-ground flood depth during flood periods:

(1) very high flood hazard zones;

(2) high flood hazard zones;

(3) moderate flood hazard zones;

(4) low flood hazard zones.

7. The channel migration zones, whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act, are grouped into the following 2 classes of channel migration hazard intensity that reflect in particular the erosion rate and meander cutoff:

(1) short-term channel migration zones;

(2) long-term channel migration zones.

8. Unless otherwise provided, for the purposes of this Regulation,

(1) a provision of this Regulation that applies to a body of water also applies to any wetland present in the body of water;

(2) a reference to a flood zone excludes the littoral zone, a lakeshore, a riverbank and a channel migration zone present in the flood zone;

(3) a reference to a channel migration zone excludes the littoral zone, a lakeshore, a riverbank and a flood zone present in the channel migration zone;

(4) an ice jam flood zone is considered to be a very high flood hazard zone;

(5) a reference to an area or length is a reference to the cumulative area or length for the type of environment in which the activity takes place and includes, if applicable, the planned footing under a structure;

(6) for a watercourse or a lake, a distance is calculated horizontally from the boundary of the littoral zone;

(7) minor soil grading involves leveling soil to create a uniform surface, free from depressions and irregularities, limiting fill and excavation to a maximum of 10 cm;

(8) management of vegetation consists in cutting, pruning, removing, planting and seeding vegetation but excludes cultivation of non-aquatic plants and mushrooms, and forest development activities;

(9) construction of an infrastructure, works, building or equipment consists in its siting, replacement, reconstruction, substantial modification and relocation;

(10) reconstruction consists in construction, refurbishment or repair work involving 50% or more of the infrastructure, works, building or equipment, provided the work is carried out within not more than 3 years after demolition or dismantling, and the encroachment area is equal to or less than the initial encroachment area;

(11) relocation of an infrastructure, works, building or equipment consists in moving it to a new site different from the site on which it was previously located;

(12) maintenance of an infrastructure, works, building or equipment consists in inspecting, refurbishing and repairing it and is carried out in the immediate vicinity of the infrastructure, works, building or equipment; work on less than 50% of the infrastructure, works, building or equipment is considered to be refurbishment or repair;

(13) substantial modification consists in a change to the structural or functional characteristics of an infrastructure, works, building or equipment and includes an enlargement, extension or prolongation;

(14) dismantling or demolition consists in work that involves more than 50% of an infrastructure, works, building or equipment and includes waste management and site restoration; removal of an infrastructure, works, building or equipment in order to relocate it is considered to be dismantling or demolition;

(15) an adaptation measure taken with regard to an infrastructure, works, building or equipment consists in an intervention to improve flood resilience and to reduce its vulnerability and that of persons and other property; its primary purpose is to minimize or forestall submersion, prevent water from entering a building or allow water to enter in a controlled manner;

(16) a protection objective is the desired level of safety established in Schedule III for the crest of works or in the case of a building, for the ground-level floor;

(17) stabilization works are works to increase the mechanical resistance of the soil or an infrastructure so as protect against erosion and landslides;

(18) a road is an infrastructure permitting travel and whose right of way may include a roadway, shoulders, ditches and turning circles, but excludes stabilization works, a railway, bridge, culvert or any other works enabling access to or the crossing of a lake or watercourse; subject to those exceptions, the following are considered to be a road:

(*a*) a trail that is not laid out as part of a forest development activity and any other works permitting travel, such as cycle paths;

(*b*) an infrastructure or works permitting travel to access a non-residential building, works, an infrastructure, equipment or a site, such as a vehicular entrance or pedestrian walkway;

(19) an infrastructure, works, building or equipment is considered to be temporary if it is put in place for a maximum period of 3 years;

(20) every building other than a residential building or a building accessory to a residential building is considered to be a non-residential building;

(21) a building is considered to be a residential building if it includes at least one part used or intended to be used as a main or secondary private residence by a natural person, including when the residence is occasionally offered for rent to tourists;

(22) works or buildings accessory to a residential building consist in any works, building, equipment or structure detached from the building and situated on the same grounds, excluding works enabling access to or the crossing of a lake or watercourse, as well as anchored, open pile or wheeled structures, structures floating on or extending into the water such as a quay or a boat shelter, electrical wires, septic facilities, wells, mains and residential accesses;

(23) a residential access consists in any infrastructure or works giving access to a residential building or its accessory works and buildings, such as a vehicular entrance or pedestrian walkway, including a parking area;

(24) extension of a building consists in side extensions to the building and any extension above and below ground, with or without further encroachment on the ground;

(25) land described in a lease granted under the Act respecting the lands in the domain of the State (chapter T-8.1) is considered to be a lot; and

(26) a regional county municipality whose territory includes an unorganized territory is considered to be a local municipality with respect to that territory.

9. For the purposes of this Regulation, with the necessary modifications, every local municipality whose territory is not included in the territory of a regional county municipality is considered to be a regional county municipality.

Despite the foregoing, if the territory of a local municipality referred to in the first paragraph is included in the territory of an urban agglomeration within the meaning of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), the functions allocated by this Chapter to a regional county municipality are urban agglomeration powers.

DIVISION III
MUNICIPAL PERMIT

10. This Regulation provides among other things that a permit must be obtained from a local municipality before certain activities may be carried out in a body of water or on flood protection works situated in the territory of the municipality.

A provision in this Regulation creating such a requirement does not apply to

(1) activities carried out by a municipality, a government department or a public body;

(2) activities eligible for a declaration of compliance under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1); or

(3) activities that require authorization pursuant to section 22 or 31.5 of the Act or an amendment to the authorization pursuant to section 30 of the Act.

11. A local municipality may revoke a permit it has issued under this Regulation for the reason that its holder does not comply with a provision of the permit or this Regulation, provided the authorized activity has not been fully completed. The municipality nonetheless remains responsible for applying the penalties applicable under Division II of Chapter V for non-compliance with the provision.

12. The holder of a permit issued under this Regulation is required to ensure that the permit activity carried out complies with all other laws, regulations or by-laws, in particular by obtaining all required authorizations.

13. The holder of a permit issued under this Regulation must begin the permit activity within 2 years after the issue of the permit or, as applicable, within any other time set in the permit. That failing, the permit is automatically cancelled.

14. If construction of a residential building or its accessory works and buildings requiring a municipal permit under this Regulation also takes place in a wetland, the relevant local municipality may authorize the activity only if

(1) authorization from the Minister has been obtained for the construction pursuant to subparagraph 4 of the first paragraph of section 22 of the Act;

(2) the construction is covered by a declaration of compliance in accordance with the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1); or

(3) the construction is exempted from authorization under that Regulation.

15. In addition to any document required by the local municipality, a permit application made under this Regulation must contain the following information and documents:

(1) the name and contact information of the person wishing to carry out the activity and that of the person's representative, if any;

(2) the cadastral designation of the lot on which the activity will be carried out or, if there is no cadastral designation, the most precise identification of the place where the activity will be carried out;

(3) the location of the planned activity, including the boundaries of the bodies of water on the activity site, the areas of land affected by the activity as well as the precise location on the flood protection works and any related encroachments;

(4) identification of any flood protection works involved;

(5) a detailed description of the planned activity;

(6) if the activity consists in construction of a building, its type, whether residential or non-residential and, if the building is of both types, a description showing how each type is divided;

(7) a declaration by the person wishing to carry out the activity or the person's representative stating that the conditions applying to the activity under this Regulation will be complied with while the work is being carried out;

(8) an attestation by the person wishing to carry out the activity or the person's representative that all the information and documents provided are accurate and complete.

If the work consists in demolition or dismantling of an infrastructure, works, building or equipment, the boundaries of the bodies of water required under subparagraph 3 of the first paragraph are not necessary to support the application.

CHAPTER II
BODY OF WATER

DIVISION I
GENERAL

16. This Chapter applies to activities carried out in a body of water.

DIVISION II
STANDARDS APPLICABLE TO ACTIVITIES CARRIED OUT IN A BODY OF WATER

§1. General

17. This Division applies to activities carried out in a body of water, irrespective of whether a municipal permit is required.

§2. Management of vegetation

18. Management of vegetation, other than planting vegetation, in a littoral zone or on a lakeshore or riverbank is possible only in the following cases:

(1) it is essential to site restoration required under this Regulation;

(2) it is essential for the carrying out of an activity requiring a permit under this Regulation;

(3) it is essential for the carrying out of an activity requiring authorization pursuant to section 22 of the Act;

(4) it is essential for the carrying out of an activity requiring a declaration of compliance under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) or that is exempted from authorization under that Regulation.

For the purposes of subparagraph 2 of the first paragraph, management of vegetation required in a body of water for the carrying out of an activity requiring a permit under this Regulation cannot be undertaken before the permit is issued.

19. Landscaping work associated with a residential building and carried out in a body of water must comply with the following conditions:

(1) the work must be carried out outside a littoral zone;

(2) the work must be carried out outside a wetland, except if the work is associated with a building referred to in subparagraph 2 of the first paragraph of section 345 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(3) on a lakeshore or riverbank, the work must be carried out without tree clearing and over an area that does not exceed 20 m^2;

(4) in a flood zone, the work must be carried out over an area that does not exceed 20 m^2 and any backfill does not exceed 15 cm in height.

For the purposes of subparagraph 4 of the first paragraph, the reference to a flood zone includes a lakeshore and a riverbank.

20. Seeding and planting of invasive exotic plant species is prohibited.

§3. Motorized vehicle travel

21. Races, rallies and other motorized vehicle competitions are prohibited in a littoral zone, on a lakeshore or riverbank and in a short-term channel migration zone.

22. The operation of motorized vehicles in a littoral zone, on a lakeshore or riverbank and in a short-term channel migration zone is permitted only in the following cases:

(1) off-road vehicles in winter where so permitted by the load-bearing capacity of the ground, in such manner as to not create ruts;

(2) on a road or crossing works;

(3) the operation is required for a lawful hunting, fishing or trapping activity;

(4) the operation is required to access a property;

(5) the operation is required to carry out work authorized by this Regulation that complies with the conditions in section 69;

(6) the operation is required to carry out work other than the work referred to in paragraph 5.

§4. Infrastructures, works and equipment

23. The siting in a body of water of an underground parking garage associated with a residential building is prohibited.

§5. Buildings and accessory works and buildings

24. The following is prohibited in a littoral zone:

(1) construction of a residential building and its accessory works and buildings;

(2) change of use of a non-residential building to a residential building.

25. The following is prohibited on a lakeshore and riverbank:

(1) the siting of a residential building and its accessory works and buildings;

(2) reconstruction of a residential building and its accessory works and buildings, except reconstruction required because of damage sustained that was not caused by a flood, submersion or watercourse channel migration;

(3) change of use of a non-residential building to a residential building.

26. Construction in a flood zone of a residential building on backfilled land is prohibited without the necessary authorizations being obtained.

27. The following is prohibited in a very high flood hazard zone:

(1) the siting of a residential building and its accessory buildings;

(2) reconstruction of a residential building and its accessory buildings, except reconstruction required because of damage sustained that was not caused by a flood, submersion or watercourse channel migration;

(3) change of use of a non-residential building to a residential building;

(4) addition of a dwelling in a building situated in such a zone.

28. The following is prohibited in a high or moderate flood hazard zone:

(1) the siting of a residential building;

(2) reconstruction of a residential building not required because of damage sustained;

(3) change of use of a non-residential building to a residential building;

(4) addition of a dwelling in a building situated in such a zone.

29. The following is prohibited in a high-velocity flood zone:

(1) the siting of a residential building;

(2) reconstruction of a residential building, except reconstruction required because of damage sustained that was not caused by a flood, submersion or watercourse channel migration;

(3) change of use of a non-residential building to a residential building;

(4) addition of a dwelling in a building situated in such a zone.

30. The following is prohibited in a short-term channel migration zone:

(1) the siting of a residential building and its accessory works and buildings;

(2) reconstruction of a residential building and its accessory works and buildings, except reconstruction required because of damage sustained that was not caused by a flood, submersion or watercourse channel migration;

(3) change of use of a non-residential building to a residential building;

(4) addition of a dwelling in a building situated in such a zone.

31. Maintenance of an infrastructure, works, building or equipment in a body of water when the work requires a municipal permit under Division II of this Chapter must comply with the following conditions:

(1) excavation and backfill work must be limited to what is necessary to maintain the building in its original state;

(2) the work must be carried out with no waterweed cutting;

(3) the work cannot involve construction of a temporary works requiring excavation or backfill work in the littoral zone or, if such work is involved, the construction is covered by a declaration of compliance in accordance with section 337 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(4) the management of vegetation required takes place only in the immediate periphery of the building.

32. The erection of a fence associated with a residential building is prohibited in an ice jam flood zone, including in any body of water present.

33. Despite any contrary provision in this Division, work to upgrade a residential building to the standards applicable under the Construction Code (chapter B-1.1, r. 2) is not prohibited.

34. Despite any contrary provision, reconstruction of a residential building that has sustained damage caused by a flood, submersion or watercourse channel migration is prohibited if the value of the damage represents less than 50% of the new build cost, excluding costs relating to accessory works and buildings and siting improvements.

The first paragraph does not apply in a long-term channel migration zone, a low flood hazard zone and a low-velocity flood zone.

35. Despite section 8, if the value of the damage represents more than 50% of the new build cost, excluding costs relating to accessory works and buildings and siting improvements, the repair or refurbishing work is considered to be reconstruction work.

The first paragraph does not apply in a long-term channel migration zone, a low flood hazard zone and a low-velocity flood zone.

36. For the purposes of sections 34 and 35, the new build cost is established as provided in Part 3E of the Manuel d'évaluation foncière du Québec and is adjusted on 1 July of the year preceding the year in which the building was affected by flooding or watercourse channel migration.

DIVISION III
MUNICIPAL PERMIT

§1. Permit requirement

37. No person may, in a body of water, carry out an activity to which this Division applies without first obtaining a permit from the relevant local municipality.

Such a permit is issued if the conditions specific to each activity and those applicable under Division IV of this Chapter are complied with.

No permit may be issued if the activity is prohibited under Division II of this Chapter.

38. Creation of visual openings in a littoral zone or on a lakeshore or riverbank requires a municipal permit.

39. Construction of a road in a body of water requires a municipal permit and must comply with the following conditions:

(1) the road surface must not be impervious;

(2) the total cumulative width of the roadway and shoulders cannot exceed 6.5 m;

(3) the width of the right of way for the road cannot exceed

(*a*) 20 m in the case of a temporary road; and

(*b*) 10 m in other cases;

(4) for the laying out or extension of a road in a littoral zone, on a lakeshore or riverbank or in a short-term channel migration zone,

(*a*) the road must have a water crossing works; and

(*b*) the sole purpose of the road must be to cross the body of water, except for a temporary road necessary for an activity that requires authorization pursuant to subparagraph 4 of the first paragraph of section 22 of the Act, is eligible for a declaration of compliance or is exempted under this Chapter.

If the construction of a road is incidental to a forest development activity,

(1) the condition in subparagraph 2 of the first paragraph does not apply to work carried out on a lakeshore or riverbank or in a flood zone; and

(2) the conditions in subparagraph 3 of the first paragraph do not apply, but if the right of way of the road is situated on a lakeshore or riverbank, it cannot exceed 15 m in width.

For a temporary road referred to in subparagraph 4 of the first paragraph, the work cannot begin before the Minister has issued authorization or the declaration of compliance has been filed, as applicable.

40. The dismantling of a road referred to in section 39 requires a municipal permit.

41. Construction and dismantling of a residential access requires a municipal permit.

42. Construction of a culvert in a littoral zone requires a municipal permit and must comply with the following conditions:

(1) the total opening of the culvert must be greater than 1.2 m but not exceed 4.5 m;

(2) the culvert must have only one pipe;

(3) the culvert must be covered by fill not more than 3 m thick;

(4) work involving a watercourse must not result in alteration of the natural watercourse alignment;

(5) the purpose of the culvert must not be to have water flow into a ditch.

43. The dismantling of a culvert referred to in section 42 requires a municipal permit.

44. Stabilization work carried out in a body of water other than a channel migration zone requires a municipal permit and must comply with the following conditions:

(1) for construction of stabilization works other than a retaining wall,

(*a*) if phytotechnology is used, the construction cannot extend over a distance of 100 m; and

(*b*) if inert materials are used,

i. in the case of work for a lake, the construction cannot extend over a distance exceeding 30 m; and

ii. in the case of work for a watercourse, the construction cannot exceed a length of 30 m or 5 times the width of the watercourse, whichever is more restrictive;

(2) if the work is for a culvert retaining wall, the wall cannot exceed a length of 9 m.

For the purposes of the first paragraph, if the work is intended to extend or join stabilization works, the extension or junction must not result in an extension of the total length of the works beyond the lengths determined in that paragraph. Stabilization works situated less than 2 m from each other are considered to be joined.

For the purposes of this section, a reference to a channel migration zone includes any body of water present.

45. The dismantling of stabilization works or a retaining wall referred to in section 44 requires a municipal permit.

46. Construction in a body of water of a waterworks system, sewer system or storm water management system requires a municipal permit and must comply with the following conditions:

(1) the work must be on the underground components of the systems or the following components:

(*a*) a ditch;

(*b*) a green water management infrastructure connected to one of the systems;

(*c*) a fire hydrant;

(*d*) an outflow;

(2) work carried out in the littoral zone must be for the sole purpose of discharging water into the area;

(3) work carried out on a lakeshore or riverbank or in a short-term channel migration zone must be for the sole purpose of crossing the area or discharging water into the area;

(4) if the system has a pipe, the invert of the outlet pipe must be at least 30 cm above the deepest part of the bed of the watercourse or lake.

Work referred to in the first paragraph carried out in connection with cultivating non-aquatic plants and mushrooms does not require a municipal permit.

For the purposes of this section, a reference to a system does not include the treatment facility.

47. The dismantling of a waterworks system, sewer system or storm water management system referred to in section 46 requires a municipal permit.

48. The laying out or dismantling of an access to the littoral zone in a body of water requires a municipal permit.

49. Construction of a structure, other than a building, that is anchored, on piles or wheels and floats on or extends into water, such as a quay or boat shelter, requires a municipal permit if the total encroachment area of the structures in a littoral zone or on a lakeshore or riverbank, including any structures already present on the lot, does not exceed 30 m^2, excluding the anchor points.

50. The laying out or dismantling of a fording site not exceeding a width of 10 m, if it is connected to a road, requires a municipal permit.

51. Construction of a structure enabling water to be crossed or access to an infrastructure, works, building or equipment in the littoral zone requires a municipal permit and must comply with the following conditions:

(1) the construction must be carried out with no support in the littoral zone;

(2) the structure cannot exceed 5 m in width.

52. The dismantling of a crossing structure referred to in section 51 requires a municipal permit.

53. Construction of a residential building and its accessory works and buildings on a lakeshore or riverbank or in a flood zone or a channel migration zone requires a municipal permit.

54. Construction of a non-residential building in a long-term channel migration zone or a flood zone requires a municipal permit and must comply with the following conditions:

(1) the construction cannot involve excavation, including for foundations or to bury equipment, mains or wires;

(2) the surface area of the building on the lot cannot exceed

(*a*) 40 m^2 if the work is carried out on a livestock-raising site, spreading site, commercial fishing pond or aquaculture site; or

(*b*) 30 m^2 in other cases.

For the purposes of subparagraph 2 of the first paragraph, the surface area of the building includes the surface area of existing buildings in the zone.

55. Demolition in a body of water of a non-residential building referred to in section 54 as well as of a residential building and its accessory works and buildings requires a municipal permit.

56. A change of use of a non-residential building to a residential building requires a municipal permit if the building is situated

(1) on a lakeshore or riverbank;

(2) in a long-term channel migration zone;

(3) in a low flood hazard zone; or

(4) in a low-velocity flood zone.

57. Construction in a body of water of mains or any other equipment serving a residential building and its accessory buildings, connected to a waterworks system, sewer system or storm water management system and situated within the property line of the building, requires a municipal permit.

58. Construction of a backfill embankment to floodproof a residential building already present in the body of water requires a municipal permit.

59. Any activity that may be carried out in connection with a management plan implemented by a by-law adopted pursuant to section 79.1 of the Act respecting land use planning and development (chapter A-19.1) and approved by the Minister of Municipal Affaires, Regions and Land Occupancy pursuant to section 79.17 of that Act requires a municipal permit.

§2. Content of an application

60. In addition to the general content prescribed by section 15, a permit application under this Chapter must contain all information or documents required by the local municipality as well as the following information and documents:

(1) if the application is for construction of a residential building or its accessory works and buildings in a body of water also situated in a flood zone or channel migration zone and the work requires authorization from the Minister pursuant to subparagraph 4 of the first paragraph of section 22 of the Act, or is eligible for a declaration of conformity under the Regulation respecting the regulatory scheme applying to activities on the basis

of their environmental impact (chapter Q-2, r. 17.1), the authorization issued by the Minister pursuant to the Act or the declaration of compliance filed in accordance with that Regulation, as applicable.

(2) if the application is for construction in a flood zone of a residential building whose structure or any part of the structure is situated below the protection objective applicable under Schedule III, a notice signed by a professional showing that the building will be able to resist a 350 year flood once the work has been completed;

(3) if the construction is for an existing residential building for which the adaptation measures set out in sections 101 and 102 cannot be complied with, a notice signed by a professional attesting that a backfill embankment to flood proof the building is an appropriate adaptation measure to replace the measures that cannot be applied and that the following conditions will be complied with:

(*a*) the presence of backfill will not increase the exposure to flooding for the buildings, works or infrastructures likely to be affected by the presence of the backfill embankment;

(*b*) the backfill embankment ensures only the immediate protection of the building and does not extend to the entire lot on which the building is situated;

(*c*) the height of the backfill embankment does not exceed the applicable protection objective;

(4) if the application is for substantial modification or relocation of a building present in a flood zone on (*insert the date of coming into force of this Regulation*), an assessment of the vulnerability of persons and property exposed to floods, which must consider

(*a*) the exposure of the lot and building to the flood hazard;

(*b*) the interior layout of the building and the location of rooms used as living spaces by the owner, as applicable;

(*c*) the location of equipment, structure, foundations and openings;

(*d*) the materials likely to be affected by flooding;

(*e*) the infrastructures, works, buildings and equipment present on the lot likely to be vulnerable to flooding or to render exposed persons and property more vulnerable to flooding; and

(*f*) the means put in place to prevent and prepare for flood risks;

(5) if the application is for relocation of a residential building in an ice jam flood zone, a notice signed by a person qualified in the field attesting that the relocation does not increase exposure to ice;

(6) if the application is for reconstruction because of flood damage sustained, or for relocation or substantial modification of a building referred to in the first paragraph of section 100, in a flood zone or a channel migration zone,

(*a*) a notice signed by a professional showing that the work ensures the safety of persons and property, in particular by the implementation of adaptation measures; and

(*b*) if the adaptation measures set out in sections 101 and 102 affect the heritage interest of the immovable, a notice signed by a professional showing that the measures affect that interest and that the measures proposed by the applicant offer equivalent protection for persons and property;

(7) if the application is for a building that has sustained damage caused by a flood, submersion or watercourse channel migration, a notice indicating the value of the damage;

(8) if the application is for underground siting, construction, reconstruction or extension of a residential building in a channel migration zone, a notice signed by a person qualified in the field,

(*a*) describing the hydrogeomorphologic characteristics of the sector; and

(*b*) characterizing the vulnerability of persons and property to the migration;

(9) if the application is for construction of embankment stabilization works, including rockfill with inert materials, a notice signed by a person qualified in the field showing that the proposed stabilization method is the technique most likely to reflect the natural character of the site, while ensuring the safety of persons and property;

(10) if the application is for the laying out or extension of a temporary road necessary to an activity requiring authorization pursuant to subparagraph 4 of the first paragraph of section 22 of the Act or that is eligible for a declaration of compliance under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, a copy of the authorization issued under the Act or the declaration of compliance filed under that Regulation, as applicable.

DIVISION IV
CONDITIONS APPLICABLE TO THE CARRYING OUT OF ACTIVITIES REQUIRING A MUNICIPAL PERMIT

§1. General

61. This Division applies only to activities requiring a municipal permit under Division II of this Chapter.

62. Work carried out in a body of water must comply with the following conditions:

(1) materials appropriate to the site must be used;

(2) measures to control erosion, sediments and suspended matter must be put in place.

§2. Site restoration and management of vegetation

63. On completion of an activity requiring a municipal permit carried out in a body of water, the following measures must be applied:

(1) all temporary works must be dismantled and removed from the site;

(2) embankments must be stable and protected against erosion, preferably by means of the technique most conducive to maintaining the natural character of the site;

(3) the site must be restored within the year following completion of the activity, including, as applicable,

(*a*) soil restoration; and

(*b*) in the dewatered zone, revegetation of the areas affected if they have been stripped of vegetation or soil, except

i. during sample taking, conducting surveys, making technical surveys, carrying out archaeological excavations and taking measurements, as regards the tree stratum; and

ii. if the revegetation jeopardizes the stability or safety of works, as regards the tree and shrub stratum;

(4) all stablilization works must be vegetated, except in areas where it is impossible for vegetation to grow or vegetation jeopardizes the stability or safety of works.

For the purposes of subparagraphs 1 and 3 of the first paragraph, works and materials in the ground such as pilings or anchors may be left in place, except the foundations of a building situated on a lakeshore or riverbank or in a short-term channel migration zone.

64. If soil restoration is required under section 63, it must comply with the following conditions:

(1) it must be carried out with the excavated materials or, if that is not possible, with substitute materials of the same nature as the original substrate;

(2) the organic part of the soil must be returned to the surface of the soil profile;

(3) all debris and other residual materials must be removed, unless consisting of wood waste present outside the littoral zone;

(4) the original drainage conditions must be restored or equivalent drainage conditions put in place;

(5) the restoration must be carried out as far as possible with the original topography of the site being preserved.

65. If revegetation is required under section 63, it must comply with the following conditions:

(1) it must be carried out using species that belong to the same strata as those affected, adapted to the environment, ideally native species;

(2) the survival rate of the vegetation or cover must be 80% in the year following revegetation; that failing, dead vegetation must be replaced.

66. Management of vegetation in a littoral zone, on a lakeshore or riverbank or in a short-term channel migration zone must be undertaken without stump removal, unless the nature of the work entails such removal.

67. A visual opening may be created only by the pruning of vegetation and may not exceed a width greater than 10% of the total length of the lakeshore or riverbank situated on the lot concerned, including existing visual openings on the lot.

§3. Excavation and backfilling

68. No excavation or backfilling may be carried out in a body of water.

The first paragraph does not apply to activities whose nature necessarily entails backfilling or excavation, such as road construction or maintenance, burial or anchoring of certain equipment, or construction of a building.

Excavation and backfilling resulting from activities described in the second paragraph may create temporary encroachments in bodies of water if carried out in the footing of the works or in the immediate work zone.

At the end of all activity, spoil and excess materials must be disposed of outside the bodies of water and managed so as to forestall sediment movement towards the bodies of water, except for any other spoil and materials covered by a contrary provision of this Regulation.

§4. Operation and use of vehicles and machinery

69. The operation of vehicles and machinery in a body of water is permitted on the following conditions:

(1) in the littoral zone, the vehicles or machinery operate only in a dewatered or drained area of the zone or in winter with snow or ice cover;

(2) if ruts are created, the area is restored to its original condition, or a condition close thereto.

The condition in subparagraph 1 of the first paragraph does not apply if the operation is necessary for

(1) construction of temporary works;

(2) making preliminary technical surveys;

(3) taking samples; or

(4) taking measurements.

70. Refuelling and maintenance of vehicles or machinery in a body of water must comply with the following conditions:

(1) in a littoral zone, the work must be carried out only in a dewatered or drained area of the zone or in winter with snow or ice cover;

(2) the vehicle or machinery must be equipped with a system for collecting fluid leakage and spillage, or with a spillage prevention device.

71. In the absence of a fording site or works enabling a watercourse to be crossed, a vehicle or machinery may be operated in the littoral zone of a watercourse for only one back-and-forth crossing, provided the crossing point chosen minimizes the impacts on the watercourse.

§5. Dewatering and narrowing of a watercourse

72. The dewatering or temporary narrowing of the littoral zone of a watercourse may not be carried out in the same part of the watercourse more than twice in a 12-month period.

Dewatering or narrowing work may in no case last for more than 30 consecutive days and, in addition to the condition in the first paragraph, must comply with the following conditions:

(1) in the case of work lasting for not more than 10 days, the dewatering or narrowing may be total if the watercourse is less than 5 m in width and the water is redirected in its entirety to the watercourse downstream of the work;

(2) in other cases, the dewatering or narrowing cannot exceed one-third of the width of the watercourse.

73. Dewatering or narrowing work in the littoral zone of a watercourse must comply with the following conditions:

(1) the equipment and materials used must make it possible to limit the discharge of suspended matter into the littoral zone;

(2) if the pumped water contains suspended matter visible to the naked eye, it must be discharged into an area of vegetation located more than 30 m from the littoral zone, such as a field of grasses or forest litter, provided the point of discharge is regularly shifted to a new location.

74. All works used for dewatering or narrowing the littoral zone of a watercourse must be dismantled first by removing the materials situated inside the dewatered area and then advancing from the area downstream of the works towards the upstream area.

§6. Infrastructures, works and equipment

75. The laying out in a body of water of an access to the littoral zone must comply with the following conditions:

(1) the work must be carried out using one or more of the following means:

(*a*) management of vegetation;

(*b*) construction of stairs or a walkway on piles;

(*c*) construction of a slab or stone pathway;

(2) the access to the littoral zone cannot be wider than 5 m;

(3) if an access to the littoral zone already exists on the lot, the work cannot result in the addition of another access to the littoral zone on the same lot;

(4) the work must be carried out in such a manner as to forestall sediment movement into the lake or watercourse.

76. Installation of a culvert in a body of water must not result in the water level of a watercourse or lake being raised or lowered compared to its initial state.

77. Construction of permanent works or installation of permanent equipment in the littoral zone of a watercourse must not cause the watercourse to be widened beyond the boundary of the littoral zone, unless the purpose of the construction or installation is to restore the natural width of the watercourse or to reduce the embankment slope.

The littoral zone of a watercourse may not be permanently narrowed by more than 20% of its width or, as applicable, by a width greater than the narrowing resulting from works or equipment present in the watercourse at that location, if the narrowing is already greater than 20% of the watercourse width.

The littoral zone of a watercourse may not be permanently narrowed to less than the level of the bankfull discharge.

This section does not apply to culvert lining and sleeving.

78. A waterworks system or sewer system may be sited or extended in a flood zone only in the following cases:

(1) the system is intended to serve an infrastructure or a building that

(*a*) was constructed in the flood zone before 23 June 2021; or

(*b*) is not prohibited in a flood zone where the construction work is to take place;

(2) the system is intended to serve an infrastructure, a building or a sector outside a flood zone and it is not possible to avoid crossing a flood zone to connect it;

(3) the work relates to a public road.

The first paragraph also applies in a short-term channel migration zone, with the necessary modifications.

For the purposes of this section, a reference to a flood zone or channel migration zone includes any body of water present.

79. Construction in a littoral zone, on a lakeshore or riverbank or in a short-term channel migration zone of mains or any other equipment serving a residential building and its accessory buildings, connected to a waterworks system, sewer system or storm water management system and situated within the property line of the building may take place only if either of the following conditions is met:

(1) the work is carried out only if doing so is not possible elsewhere on the lot without encroaching on one of those areas; or

(2) the sole purpose of the work is to cross the area or to discharge water into the area.

80. Storage, including temporary storage, of a structure or equipment in a body of water must take place without tree clearing.

81. Stabilization works in a flood zone must not result in an increase in the ground level.

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

82. Work to flood-proof a residential building, its accessory works and buildings or a non-residential building by erecting a low wall or backfill embankment is prohibited.

The prohibition under the first paragraph regarding the erection of a backfill embankment does not apply if the work is carried out in a flood zone to flood-proof a residential building already present in the body of water, the adaptation measures set out in sections 101 and 102 cannot be complied with and the erection of a backfill embankment is a measure considered to be appropriate by a professional qualified in the field. In that case, the backfill embankment must comply with the protection objective applicable.

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

83. The laying out of a road in a flood zone must comply with the following conditions:

(1) it must meet the protection objective applicable;

(2) if the road does not respect the original topography of the site, culverts must be installed to allow water to flow freely.

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

84. Construction of a residential access in a body of water must comply with the following conditions:

(1) the access must not have an impervious surface;

(2) the access cannot be wider than 6.5 m;

(3) if the access is situated in a flood zone and is used to evacuate the occupants of a building, it must meet the protection objective applicable;

(4) if the access is not used to evacuate the occupants of a building, the work must respect the original topography of the site to the extent possible;

(5) for siting or extension in a littoral zone, on a lakeshore or riverbank or in a short-term channel migration zone,

(*a*) the access must include a crossing works; and

(*b*) the sole purpose of the access is to cross the area;

(6) for siting in a low flood hazard zone of a residential access in connection with construction of a building in such a zone, the access must not be a reverse slope access.

For the purposes of this section, a reference to a flood zone includes any body of water present.

85. The laying out of a parking area must comply with the following conditions:

(1) the parking area must not have an impervious surface;

(2) the parking area cannot be underground;

(3) if laid out in a littoral zone, on a lakeshore or riverbank or in a short-term channel migration zone,

(*a*) it is necessary for the carrying out of another activity; or

(*b*) it is temporary.

For the purposes of subparagraph *a* of subparagraph 3 of the first paragraph, if the other activity for which the parking area is necessary requires authorization from the Minister pursuant to the Act or is eligible for a declaration of compliance under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), the parking area cannot be laid out before that authorization from the Minister has been obtained or the declaration of compliance has been filed, as applicable.

§7. Non-residential buildings and residential buildings and their accessory works and buildings

86. On a lakeshore or riverbank, relocation, reconstruction and substantial modification of a residential building and its accessory works and buildings must comply with the following conditions:

(1) the work must not move the residential building and its accessory works and buildings closer to the littoral zone;

(2) except if the initial encroachment does not allow for it, a vegetation strip at least 5 m in width, measured from the boundary of the littoral zone, must be preserved in a natural or restored state so as to re-establish at least 2 strata of herbaceous, arbustive or arborescent vegetation;

(3) the work is carried out only if doing so is not possible elsewhere on the lot without encroaching on a lakeshore or riverbank;

(4) for work involving reconstruction of a residential building and its accessory works and buildings, it is carried out because of damage sustained that was not caused by a flood, submersion or watercourse channel migration;

(5) for work involving substantial modification of a residential building,

(*a*) it does not create further encroachment on the lakeshore or riverbank; and

(*b*) it does not involve extension below ground or the addition of a structure attached to the building such as a deck or balcony;

(6) for work involving a residential building's accessory works or buildings, the following conditions must be complied with:

(*a*) for a reconstruction, the total encroachment area on the lakeshore or riverbank of the accessory works or buildings, including existing works and buildings, cannot exceed 30 m^2, or is of an area equal to that of the initial encroachment area of the accessory works or building if that area was 30 m^2 or less; and

(*b*) the work does not require backfilling or excavation, other than minor ground leveling.

For the purposes of subparagraph 5 of the first paragraph, if the work is to replace the foundation, the building must be relocated off the lakeshore or riverbank if the space on the lot permits doing so.

The conditions in subparagraph *a* of subparagraph 5 and in subparagraph *a* of subparagraph 6 of the first paragraph do not apply to work to upgrade a residential building, works or buildings accessory to a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2), on the following conditions:

(1) the work creates further encroachment in a lakeshore or riverbank that does not exceed 5 m^2; and

(2) the work is carried out avoiding to the extent possible any encroachment into a lakeshore or riverbank.

87. When carried out in a very high flood hazard zone, construction of a residential building must comply with the following conditions:

(1) the work must meet the protection objective applicable;

(2) for a reconstruction,

(*a*) it is carried out because of damage sustained that was not caused by a flood, submersion or watercourse channel migration; and

(*b*) the work is carried out only if doing so is not possible elsewhere on the lot without encroaching on a very high hazard flood zone;

(3) for an extension,

(*a*) it involves only relocating rooms used by a person as living spaces or facilities essential to the building, with a view to reducing the vulnerability of persons and property;

(*b*) it does not entail further encroachment in the zone; and

(*c*) it does not involve adding a basement or a structure attached to the building such as a deck or balcony;

(4) for a relocation,

(*a*) it must not result in moving the building closer to the littoral zone or short-term channel migration zone, as applicable; and

(*b*) the relocation is to a new site at an elevation higher than the original site.

The conditions in the first paragraph do not apply to work to upgrade a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of this section, a reference to a flood zone includes any body of water present.

88. Work involving works or buildings accessory to a residential building in a very high flood hazard zone must comply with the following conditions:

(1) except for relocation, the works cannot create a total encroachment area exceeding 40 m^2 in any flood zone, including the encroachment area of existing works and buildings;

(2) for relocation, substantial modification or reconstruction because of damage sustained that was not caused by a flood, submersion or watercourse channel migration, the work is carried out without backfilling, except for minor ground leveling.

For the purposes of subparagraph 1 of the first paragraph, an encroachment created by a pool or fence is not included in calculating total encroachment area.

The condition in subparagraph 1 of the first paragraph does not apply to work to upgrade works or a building accessory to a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

89. Work involving a residential building in a high flood hazard zone must comply with the following conditions:

(1) the work must meet the protection objective applicable;

(2) for a reconstruction,

(*a*) it is carried out because of damage sustained; and

(*b*) the work is carried out only if doing so is not possible elsewhere on the lot without encroaching on a high hazard flood zone;

(3) for an extension,

(*a*) it involves only relocating rooms used by a person as living spaces or facilities essential to the building, with a view to reducing the vulnerability of persons and property;

(*b*) it does not entail further encroachment in the zone; and

(*c*) it does not involve adding a basement or a structure attached to the building such as a deck or balcony;

(4) for a relocation,

(*a*) it must not result in moving the building closer to the littoral zone or short-term channel migration zone, as applicable; and

(*b*) the relocation is to a new site at an elevation higher than the original site.

The conditions in the first paragraph do not apply to work to upgrade a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

90. Work involving works or buildings accessory to a residential building in a high flood hazard zone must comply with the following conditions:

(1) except for relocation, the works cannot create a total encroachment area exceeding 40 m^2 in any flood zone, including the encroachment area of existing works and buildings;

(2) the work is carried out without backfilling, except for minor ground leveling.

For the purposes of subparagraph 1 of the first paragraph, an encroachment created by a pool or fence is not included in calculating total encroachment area.

The conditions in subparagraph 1 of the first paragraph do not apply to work to upgrade works or a building accessory to a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

91. Work involving a residential building in a moderate flood hazard zone must comply with the following conditions:

(1) the work must meet the protection objective applicable;

(2) for a reconstruction, the work is carried out because of damage sustained;

(3) for an extension, the work creates an encroachment in the area that cannot exceed 15 m^2;

(4) for a relocation,

(*a*) it must not result in moving the building closer to the littoral zone or short-term channel migration zone, as applicable; and

(*b*) the relocation is to a new site at an elevation higher than the original site.

The conditions in the first paragraph do not apply to work to upgrade a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

92. Work involving works or buildings accessory to a residential building in a moderate flood hazard zone must comply with the following conditions:

(1) except for relocation, the works cannot create a total encroachment area exceeding 40 m^2 in any flood zone, including the encroachment area of existing works and buildings;

(2) the work is carried out without backfilling, except for minor ground leveling.

For the purposes of subparagraph 1 of the first paragraph, an encroachment created by a pool or fence is not included in calculating total encroachment area.

The conditions in subparagraph 1 of the first paragraph do not apply to work to upgrade works or a building accessory to a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

93. Work involving a residential building in a low flood hazard zone must comply with the following conditions:

(1) the work must meet the protection objective applicable;

(2) for siting,

(*a*) the lot on which the work is to be carried out must

i. be served by a municipal waterworks or sewer system;

ii. if the lot is situated within an urbanization perimeter contained in a land use and development plan, be contiguous to an existing built lot or, in other cases, be situated between 2 existing built lots;

iii. not result from a lot subdivision after 23 June 2021; and

iv. be adjacent to a road existing on 23 June 2021;

(*b*) green storm water management and runoff infrastructures must be installed on the lot on which the work is to be carried out; and

(*c*) at least 30% of the area of the lot on which the work is to be carried out must be pervious;

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

94. Work involving works or buildings accessory to a residential building in a low flood hazard zone must comply with the following conditions:

(1) except for relocation, the works cannot create a total encroachment area exceeding 40 m^2 in any flood zone, including the encroachment area of existing works and buildings;

(2) the work is carried out without backfilling, except for minor ground leveling.

For the purposes of subparagraph 1 of the first paragraph, an encroachment created by a pool or fence is not included in calculating total encroachment area.

The conditions in subparagraph 1 of the first paragraph do not apply to work to upgrade works or a building accessory to a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

95. Work involving a residential building in a high-velocity flood zone must comply with the following conditions:

(1) the work must meet the protection objective applicable;

(2) for a reconstruction, the work is carried out because of damage sustained that was not caused by a flood, submersion or watercourse channel migration;

(3) for an extension,

(*a*) the work involves only relocating rooms used by a person as living spaces or facilities essential to the building, with a view to reducing the vulnerability of persons and property;

(*b*) the work does not entail further encroachment on the zone; and

(*c*) the work does not involve adding a basement or a structure attached to the building such as a deck or balcony.

The conditions in the first paragraph do not apply to work to upgrade a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

96. Work involving works or buildings accessory to a residential building in a high-velocity flood zone must comply with the following conditions:

(1) except for relocation, the works cannot create a total encroachment area exceeding 40 m^2 in any flood zone, including the encroachment area of existing works and buildings;

(2) if the work involves an accessory building, it is carried out without backfilling, except for minor ground leveling.

For the purposes of subparagraph 1 of the first paragraph, an encroachment created by a pool or fence is not included in calculating total encroachment area.

The conditions set out in subparagraph 1 of the first paragraph do not apply to work to upgrade works or a building accessory to a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

97. Work involving a residential building in a low-velocity flood zone must comply with the following conditions:

(1) the work must meet the protection objective applicable;

(2) for the siting of the residential building, the lot on which the work is to be carried out must

(*a*) be situated within an urbanization perimeter contained in a land use and development plan;

(*b*) be served by a municipal waterworks and sewer system;

(*c*) be situated between 2 lots on which a building is already present on 23 June 2021; and

(*d*) not result from a lot subdivision after 23 June 2021;

(3) for a relocation,

(*a*) the work must not result in moving the building closer to the littoral zone or channel migration zone, as applicable; and

(*b*) the relocation is to a new site at an elevation higher than the original site.

The conditions in the first paragraph do not apply to work to upgrade a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

98. Work involving works or buildings accessory to a residential building in a low-velocity flood zone must comply with the following conditions:

(1) except for relocation, the works cannot create a total encroachment area exceeding 40 m^2 in any flood zone, including the encroachment area of existing works and buildings;

(2) if the work involves an accessory building, it is carried out without backfilling, except for minor ground leveling.

For the purposes of subparagraph 1 of the first paragraph, an encroachment created by a pool or fence is not included in calculating total encroachment area.

The conditions in subparagraph 1 of the first paragraph do not apply to work to upgrade a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2).

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

99. If carried out in a short-term channel migration zone, relocation, reconstruction and substantial modification of a residential building and its accessory works and buildings must comply with the following conditions:

(1) the work must not move the residential building and its accessory works and buildings closer to the littoral zone;

(2) the work must be carried out only if doing so is not possible elsewhere on the lot without encroaching on a short-term channel migration zone;

(3) for a reconstruction, the work is carried out because of damage sustained that was not caused by a flood, submersion or watercourse channel migration;

(4) work involving substantial modification of a residual building

(*a*) must not create further encroachment in a short-term channel migration zone; and

(*b*) does not involve extension below ground or the addition of a structure attached to the building such as a deck or balcony;

(5) if the work involves a residential building's accessory works or buildings, the following conditions must be complied with:

(*a*) for a reconstruction, the total encroachment area in the short-term channel migration zone of the accessory works or buildings cannot exceed 30 m^2, or an area equal to that of the initial encroachment area of the accessory works or building if that area was 30 m^2 or less; and

(*b*) the work does not require backfilling or excavation, other than minor ground leveling.

For the purposes of subparagraph 5 of the first paragraph, if the work is to replace the foundation, the building must be relocated outside the channel migration zone if the space on the lot permits doing so.

The conditions in subparagraph *a* of subparagraph 4 and in subparagraph *a* of subparagraph 5 of the first paragraph do not apply to work to upgrade a residential building to the building standards applicable under the Construction Code (chapter B-1.1, r. 2), on the following conditions:

(1) the work creates further encroachment that does not exceed 5 m^2; and

(2) the work is carried out avoiding to the extent possible any encroachment in that zone.

100. Despite any contrary provision, reconstruction of a building in a flood zone or channel migration zone required because of flood damage sustained may take place on the following conditions:

(1) the reconstruction involves any of the following immovables:

(*a*) a recognized or classified heritage immovable, as applicable;

(*b*) an immovable situated in a recognized, classified or declared heritage site under the Cultural Heritage Act (chapter P-9.002); or

(*c*) an immovable in an inventory made pursuant to section 120 of the Cultural Heritage Act and that was in the inventory before the date of the flood;

(2) the work has been authorized by the Minister of Culture and Communications or by the competent municipality, as applicable;

(3) a notice signed by a professional shows that the work ensures the safety of persons and property, in particular by adaptation measures being put in place.

Relocation and substantial modification of a building referred to in the first paragraph may take place on the following conditions:

(1) the work does not create further encroachment in a flood zone of an area that exceeds 30 m^2;

(2) the work has been authorized by the Minister of Culture and Communications or by the competent municipality, as applicable.

The adaptation measures set out in sections 101 and 102 do not apply to work referred to in the first and second paragraphs if a notice, signed by a professional, shows that the measures affect the heritage interest of the immovable and that the measures proposed offer equivalent protection for persons and property.

For the purposes of the first paragraph, a reference to a flood zone includes any channel migration zone present.

101. The siting, relocation, reconstruction or extension of a residential building in a flood zone must comply with the following adaptation measures, as applicable:

(1) only storage and parking areas may be laid out below the protection objective applicable;

(2) openings such as windows, basement well windows and access doors, located in living quarters and areas that are not resistant or resilient to contact with water, must be situated above the protection objective applicable;

(3) drains and vent ducts must be equipped with check valves;

(4) a major component in the building's mechanical system, such as an electrical system, plumbing system, heating system or ventilation system, must be installed above the protection objective applicable, unless the nature of the system makes location below that protection objective mandatory, in which case protection measures must be put in place.

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

102. Substantial modification, other than an extension, of a residential building in a flood zone must comply with the following adaptation measures, as applicable:

(1) the ground-level floors must be situated above the protection objective applicable, except if that is impossible, in which case the following conditions must be complied with:

(*a*) adaptation measures must be put in place;

(*b*) an emergency exit and a refuge area must be provided for and located above the determined protection objective;

(2) only storage and parking areas may be laid out below the protection objective applicable;

(3) the basement, if finished, must be finished using materials having a good overall resilience performance;

(4) openings such as windows and basement well windows, other than doors, must be situated above the protection objective applicable;

(5) drains and vent ducts must be equipped with check valves;

(6) a major component in the building's mechanical system, such as an electrical system, plumbing system, heating system or ventilation system, must be installed above the protection objective applicable or protection measures must be put in place.

Good overall resilience performance of materials refers to

(1) the capacity of materials to resist penetration by water;

(2) the capacity of materials to dry and be cleaned; and

(3) the capacity of materials to retain their original size and structural integrity after a flood.

For the purposes of the first paragraph, a reference to a flood zone includes any body of water present.

CHAPTER III
FLOOD PROTECTION WORKS

DIVISION I
GENERAL

103. This Chapter applies to activities carried out on flood protection works.

DIVISION II
STANDARDS APPLICABLE TO ACTIVITIES CARRIED OUT ON FLOOD PROTECTION WORKS

104. This Division applies to activities carried out on flood protection works, irrespective of whether the activities require a municipal permit.

105. The siting and reconstruction on flood protection works of the following works and buildings is prohibited:

(1) a non-residential building referred to in paragraph 2 of section 110, other than an ancillary building necessary for the proper operation of the works;

(2) a residential building and its accessory works and buildings.

106. The following is prohibited on flood protection works:

(1) the addition of a dwelling in a building;

(2) a change of use of a non-residential building to a residential building.

107. Races, rallies and other motorized vehicle competitions are prohibited on flood protection works.

108. The operation of motorized vehicles on flood protection works is permitted only in the following cases:

(1) the vehicle is operated on trails or roads laid out for that purpose;

(2) the vehicle is operated in connection with work being carried out, if the conditions set out in section 123 are complied with.

DIVISION III
MUNICIPAL PERMIT

§1. Permit requirement

109. No person may, on flood protection works, carry out an activity to which this Division applies without first obtaining a permit from the relevant local municipality.

Such a permit is issued if the conditions specific to each activity and those applicable under Division IV of this Chapter are complied with.

No permit may be issued if the proposed activity is prohibited under Division II of this Chapter.

110. Substantial modification and relocation of the following works, infrastructures and buildings on flood protection works requires a municipal permit:

(1) a residential building and its accessory works and buildings;

(2) a non-residential building, provided

(*a*) there is no excavation, including for foundations or to bury equipment, mains or wires; and

(*b*) the area of the building on the same lot does not exceed 30 m^2.

111. Construction on flood protection works of the following infrastructures and works requires a municipal permit:

(1) a residential access;

(2) an infrastructure or works giving access to a non-residential building, works, an infrastructure, equipment or a site, such as a vehicular entrance or pedestrian walkway, provided

(*a*) the infrastructure or works is not impervious;

(*b*) the infrastructure or works does not exceed 6.5 m in width; and

(*c*) there is no other means of accessing the building or site.

112. The dismantling and demolition of the following buildings, infrastructures and works when situated on flood protection works requires a municipal permit:

(1) a residential building, its accessory works and buildings and residential accesses;

(2) a non-residential building referred to in paragraph 2 of section 110;

(3) an infrastructure or works giving access to a non-residential building, works, an infrastructure, equipment or a site, such as a vehicular entrance or pedestrian walkway referred to in paragraph 2 of section 111.

113. Maintenance of buildings, infrastructures and works referred to in section 112 requires a municipal permit if the work requires backfill of 30 cm or more.

§2. Content of an application

114. In addition to the general content prescribed by section 15, a permit application under this Chapter must contain, in addition to any information or document required by the local municipality, a technical report signed by an engineer

(1) specifying the measures to put in place so that the work does not jeopardize the safety of the works at the time and after the work is carried out;

(2) if the activity involves construction of works, buildings, infrastructures or equipment, attesting that the construction does not restrict access to the flood protection works nor impedes travel on the works or the carrying out of maintenance and monitoring activities; and

(3) if backfilling and excavating is required, indicating that such work has no impact on the stability and integrity of the works.

DIVISION IV
CONDITIONS APPLICABLES WHEN CERTAIN ACTIVITIES ARE CARRIED OUT

§1. General

115. This Division applies to any activity requiring a municipal permit under Division II of this Chapter.

116. No person may carry out work, construction or any other intervention on flood protection works if doing so is likely to compromise the safety of the works.

117. A person carrying out work on flood protection works

(1) must not prevent or impede access to the works;

(2) must not prevent or impede maintenance, inspection and monitoring activities related to the works; and

(3) must, in the event of breakdown or faulty operation affecting the flood protection works, return the works to its original state according to an engineer's specifications to ensure the safety of the works.

118. No excavating or backfilling is permitted on flood protection works.

The first paragraph does not apply to activities whose nature necessarily entails backfilling or excavation, such as construction of an infrastructure, works, a building or equipment. In such a case, the activities must not alter the topography or elevation of the works.

§2. Site restoration and management of vegetation

119. On completion of an activity carried out on flood protection works, the following measures must be applied:

(1) all temporary works must be dismantled and removed from the site;

(2) the embankments must be stable and protected against erosion, preferably by means of the technique most conducive to maintaining the original conditions of the site;

(3) the site must be restored within the year following completion of the activity, including, as applicable,

(*a*) soil restoration; and

(*b*) in the dewatered zone, revegetation of any area that has been stripped of vegetation or soil, except in the following cases:

i. during sample taking, conducting surveys, making technical surveys and taking measurements;

ii. if the revegetation jeopardizes the stability or safety of the works.

120. Soil restoration required pursuant to section 119 must comply with the following conditions:

(1) if water is present, the restoration must make use of the stabilized original substrate;

(2) debris and other residual materials must be removed;

(3) the restoration must respect the original topography of the flood protection works.

121. Revegetation required under this Chapter must comply with the following conditions:

(1) it must use species adapted to the environment, ideally native species;

(2) the survival rate of the vegetation or plant cover must be 80% in the year following revegetation; that failing, dead vegetation must be replaced.

122. Management of vegetation on flood protection works, including revegetation required under this Chapter, cannot involve seeding or planting trees and shrubs.

§3. Operation and use of vehicles and machinery

123. Motorized vehicles required for work on flood protection works may be operated on the following conditions:

(1) the vehicles or machinery operate only in a dewatered or drained area of the works or in winter with snow or ice cover;

(2) if ruts are created, the area is restored to its original condition, or a condition close thereto.

The condition in subparagraph 1 of the first paragraph does not apply if the operation is necessary for

(1) construction of temporary works;

(2) making preliminary technical surveys;

(3) taking samples; or

(4) taking measurements.

124. Refuelling and maintenance of vehicles or machinery must comply with the following conditions:

(1) the work must be carried out only in a dewatered or drained area of the works or in winter with snow or ice cover;

(2) the vehicle or machinery must be equipped with a system for collecting fluid leakage and spillage, or with a spillage prevention device.

§4. Dewatering on flood protection works

125. Temporary dewatering on flood protection works cannot take place more than twice in a 12-month period.

Dewatering works may in no case exceed a period of 30 consecutive days.

126. Dewatering work on flood protection works must comply with the following conditions:

(1) the equipment and materials used must make it possible to limit the discharge of suspended matter into the lake or watercourse;

(2) if the pumped water contains suspended matter visible to the naked eye, it must be discharged into an area of vegetation located more than 30 m from the littoral zone and elsewhere than on the flood protection works, such as a field of grasses or forest litter, provided the point of discharge is regularly shifted to a new location.

127. Works used for dewatering on flood protection works must be dismantled by first removing the materials situated inside the dewatered area and then moving from the area downstream of the works towards the area upstream.

§5. Infrastructures, buildings, accessory works and buildings and residential access

128. Substantial modification and relocation, on flood protection works, of a non-residential building referred to in paragraph 2 of section 110 and of a residential building and its accessory works and buildings must comply with the following conditions:

(1) the purpose of the relocation must be to relocate the building or works off the flood protection works or, if that is not possible, to reduce encroachment on the flood protection works as far as it is feasible to do so;

(2) any substantial modification does not create further encroachment on and into the flood protection works;

(3) work involving an extension consists only in relocating rooms used by a person as living spaces or facilities essential to the building, with a view to reducing the vulnerability of persons and property;

(4) the work on a residential building and a non-residential building referred to in paragraph 2 of section 110 must comply with the adaptation measures set out in sections 101 and 102 and with the protection objectives applicable under Schedule III.

The conditions in the first paragraph also apply to substantial modification and relocation on flood protection works of a residential access or an infrastructure or works giving access to a non-residential building, works, an infrastructure, equipment or a site, such as a vehicular entrance or pedestrian walkway, with the necessary modifications.

129. The siting and reconstruction on flood protection works of an infrastructure or works giving access to a non-residential building, works, an infrastructure, equipment or

a site, such as a vehicular entrance or pedestrian walkway, may be carried out only when doing so is not possible elsewhere on the lot without encroaching on the flood protection works.

130. Construction of a residential access must comply with the following conditions:

(1) the access must not be impervious;

(2) the access must be no wider than 6.5 m;

(3) it is not possible for the construction to take place elsewhere on the lot without encroaching on the flood protection works.

CHAPTER IV
FLOOD RISK MANAGEMENT PLAN

DIVISION I
OBJECTIVES AND CRITERIA

131. A regional county municipality may prepare a flood risk management plan, which is implemented by a by-law adopted pursuant to section 79.1 of the Act respecting land use planning and development (chapter A-19.1) and approved by the Minister of Municipal Affairs, Regions and Land Occupancy pursuant to section 79.17 of that Act, so as to establish a development strategy for all or part of its territory regarding existing flood zones that takes into consideration the territorial particularities and the various activities carried out in the territory, seeks to better manage development of the territory and long-term public safety, and enhances environmental benefits.

132. A flood risk management plan may, to the extent provided in section 137, allow a regional county municipality to authorize the activities referred to in that section in the flood zones whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act, despite the activities being prohibited or regulated by conditions or restrictions, including by permitting work to be carried out in certain sectors for the purpose of, as applicable,

(1) their consolidation, namely completing and structuring the existing built framework, such as a residential sector, through coherent interventions compatible with the built framework, with a view to enhancing its physical qualities; and

(2) their reclassification, namely modifying the physical qualities of the existing built framework in a sector in the territory through interventions giving it new uses as a means of reducing the vulnerability of persons and property to flooding and thereby enabling the sector to be minimally functional in terms of services and infrastructures.

The provisions of this Regulation other than those of section 137, to the extent referred to in that section, continue to apply despite the implementation of a flood risk management plan.

A regional county municipality may also include various activities or measures in its flood risk management plan that form part of its development strategy but are not exclusively regulated by laws, regulations and by-laws under its responsibility. Their implementation remains, however, subject to the applicable Acts and regulations, in particular as regards the prior environmental authorizations required.

133. The flood risk management plan may apply to any flood zone in the territory, with the exception of

(1) a very high flood hazard zone; and

(2) any flood zone downstream of flood protection works, a dam or a set of dams influencing the water flow regime in the sector.

If the boundaries of a flood zone in a territory for which a flood risk management plan is applicable are modified and the intensity class of a flood zone in the territory is raised to very high, the activities covered by the plan may no longer be carried out in that zone as of the date of publication of the notice referred to in the fourth paragraph of section 46.0.2.1 of the Act specifying the establishment of the new boundaries. The same applies to a flood zone upstream of a built flood protection works or dam.

134. The measures in a flood risk management plan prepared by a regional county municipality must meet the following criteria:

(1) the activities in the development strategy cannot be sited or carried out totally outside a flood zone;

(2) the choices of measures in the strategic development are justified by benefits for the community that are greater than their impacts on flood-related risks and on the environment;

(3) within an urbanization perimeter, the buildings in the territory covered by the flood risk management plan are served by waterworks and sewer services before the work proposed in the plan may be carried out;

(4) outside an urbanization perimeter, the buildings in the territory covered by the plan have compliant septic and water supply facilities and the facilities are to the greatest extent possible located outside a flood zone;

(5) the measures proposed are consistent with the regional wetlands and bodies of water plan developed pursuant to the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2);

(6) the hydraulic implications generated by the activities covered by the flood risk management plan are taken into account and measures are devised so as the flow of water is not affected, taking into particular consideration the topography of the land and its hydrographic characteristics;

(7) access to the sectors in the territory covered by the flood risk management plan in the flood period is assessed and contingency measures are set in place for any inaccessible portions of the territory;

(8) flood prevention and public awareness measures are put in place, such as

(*a*) establishment of a flood monitoring and forecasting system, including visual flood level markers;

(*b*) installation of an early warning alert system and efficient communication strategies; and

(*c*) preparation of an evacuation plan, including designation of a refuge area;

(9) consolidation and reclassification comply with the conditions set out respectively in sections 135 and 136 and are planned on the basis of the following parameters:

(*a*) in a high flood hazard zone, existing urban sectors may be reclassified;

(*b*) in a moderate flood hazard zone, existing urban sectors may be reclassified and consolidated;

(*c*) in a low flood hazard zone, existing urban sectors and campgrounds with services may be reclassified;

(10) if the flood risk management plan provides for consolidating or reclassifying a sector, the regional county municipality must show a reduced vulnerability of persons and property when compared with the prevailing situation;

(11) compliance with the standards established under this Regulation that apply to lakeshores, riverbanks and the littoral sector;

(12) the measures proposed will result in permanent environmental benefits, obtained in particular by

(*a*) improving water management, for example through the creation of water retention basins, blue or green corridors and green ditches;

(*b*) reducing soil imperviousness, for example by reducing the width of streets and sidewalks, parking areas and vehicular entrances to a minimum, using pervious materials and creating green ditches;

(*c*) focusing on the restoration of natural ecosystems and enhancing biodiversity, for example by creating a dedicated biodiversity sector, restoring or creating wetlands and bodies of water and reconstituting the forest cover;

(*d*) allowing floods to expand so as to reduce the flood hazard intensity, for example by reconnecting bodies of water and creating green buffer zones integrating a variety of plant strata; and

(*e*) restoring or protecting the natural state of at least 30% of the territory covered.

135. To be included in a flood risk management plan, consolidation must comply with the following conditions:

(1) be implemented in sectors in the territory

(*a*) where the proportion of built-up lots is equal to or greater than 85%;

(*b*) that are not exposed to natural constraints other than flood zones;

(*c*) that do not contain

i. a landfill site;

ii. a site where industrial activities likely to contaminate storm water are carried on;

iii. an outdoor bulk storage site likely to contaminate storm water;

iv. a site where hazardous materials, chemical products or salts are loaded or unloaded;

v. a site where activities to repair or clean heavy vehicles or railway vehicles likely to contaminate storm water are carried on; or

vi. a site where vehicle recycling, long-term storage, crushing and shredding activities are carried on; and

(*d*) be situated as a priority in an urban perimeter;

(2) it must provide for subdivision of the territory covered by the consolidation if the subdividing has not already occurred;

(3) the projected density of the part of the sector covered by the consolidation must be consistent with or increase the prevailing density and harmonize with the rest of the sector;

(4) reverse slope residential accesses are prohibited;

(5) the siting of a main residential building and transformation of a non-residential building into a main residential building to permanently house vulnerable persons, mobility impaired persons or persons with special needs is prohibited, as is adaptation of a main residential building to permanently house such persons;

(6) if mature trees are present on land covered by the consolidation, they must be preserved, subject to those occupying the area of the building to be built, or if there are no mature trees on the land, at least 2 trees for the first area equal to or less than 250 m^2 of area must be planted as well as at least 2 trees per 250 m^2 of additional area;

(7) for non-built-up land,

(*a*) a minimum 30% pervious surface area must be maintained for an area of land 500 m^2 to 749 m^2, and a 50% pervious surface maintained for an area of land greater than 749 m^2; and

(*b*) the siting and reconstruction of buildings on a slope of 30% or greater is prohibited;

(8) the consolidation promotes improved land water management by integrating at least one green management infrastructure for storm water and runoff, such as a green roof, a living wall, a rain garden or a filter strip;

(9) the extension of an existing road is possible in the following cases:

(*a*) its purpose is to connect 2 existing roads over a maximum distance of 300 m between each;

(*b*) it involves construction of a turning radius or a manoeuvring area not exceeding 120 m in length.

136. To be included in a flood risk management plan, reclassification must comply with the following conditions:

(1) it must be intended for anthropized sectors, namely sectors for which at least one activity or use has altered the natural functions of the territory or the ground occupancy, particularly through land being cleared or made impervious;

(2) it renders the highest risk infrastructures more resilient, for example by establishing sustainable water management infrastructures or creating spatial freedom for watercourses or wetlands;

(3) it favours land planning that does not obstruct the flow of water, although without creating other issues in neighbouring sectors, for example by constructing buildings parallel to the watercourse or factoring in watercourse freedom;

(4) new or extended public roads must neither hinder the free flow of water nor alter the natural watercourse alignment;

(5) it must provide for subdivision of the territory covered by the reclassification if the subdivision has not already occurred;

(6) the projected density of the part of the sector covered by the reclassification must respect the prevailing density and harmonize with the rest of the sector.

137. A flood risk management plan may permit the following activities:

(1) despite section 28,

(*a*) the siting or construction of a residential building, in a moderate flood hazard zone;

(*b*) a change of use of a non-residential building to a residential building, in a high or moderate flood hazard zone; and

(*c*) addition of a dwelling, in a high or moderate flood hazard zone;

(2) despite the restrictions set out in section 89, extension of a residential building on reclassification of a sector, in a high flood hazard zone.

DIVISION II
EXPERT EVALUATION

138. With a view to preparation of a flood risk management plan, a regional county municipality must first obtain an expert evaluation from a professional determining the flood risks. The evaluation must contain a characterization of the flood hazard and a vulnerability assessment conducted pursuant to this Division.

The professional must provide the regional county municipality with a copy of all information and documents used in the expert evaluation.

The regional county municipality must send the expert evaluation conducted under this Division to the Minister as soon as it has been completed.

139. For characterization of the flood hazard, the expert evaluation must use the boundaries of the flood zones and channel migration zones established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act for existing watercourses or segments of watercourses in the territory that are covered by the flood risk management plan.

140. To assess the level of human, territorial and environmental vulnerability and the vulnerability related to accessibility to persons and property, the expert evaluation must among other things factor in the following elements and determine their degree of sensitivity and exposure to floods:

(1) the human implications, in particular based on the demographic portrait, for example, according to the number of persons exposed to flooding;

(2) the territorial implications, in particular based on

(*a*) the number of residential buildings;

(*b*) the number of each type of public institution, establishment or facility, including health and social service institutions, educational institutions, correctional facilities and tourist establishments, as defined in section 3 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(*c*) the number of public security establishments, including fire stations and police stations; and

(*d*) the proportion of each type of building and works providing public services, such as a city hall, municipal garage, grocery store, pharmacy, service station, hardware store, wastewater treatment works and drinking water treatment plant;

(3) the environmental implications, in particular based on

(*a*) the number of contaminated sites or sites described in subparagraph *c* of paragraph 1 of section 135;

(*b*) the percentage of anthropogenic areas having generally impervious surfaces such as parking areas and non-vegetated public areas;

(*c*) the percentage and types of wetlands;

(*d*) the percentage of protected areas, wildlife and plant habitats and other similar areas under protection; and

(*e*) the percentage of forest environments;

(4) the implications associated with accessibility, based in particular on

(*a*) the number of kilometres in the overall road network in the territory likely to be flooded by more than 30 cm of water;

(*b*) the number and types of buildings, for example residential and non-residential, likely to be isolated because of a flooded portion of the road network;

(*c*) the number of isolated kilometres in the overall road network in the territory, namely the portions not connected to at least 2 other portions; and

(*d*) the maximum height of flood water likely to cover the road network.

141. The expert evaluation must determine the level of flood risks, weighing the flood hazard characterization against the assessment of the 4 types of vulnerability referred to in section 140, and must provide the flood-risk evidence for each of those vulnerabilities.

DIVISION III
CONTENT OF THE FLOOD RISK MANAGEMENT PLAN

142. A flood risk management plan must contain the following elements:

(1) the territorial boundary, the local municipalities covered by the plan and the classes of flood zones present;

(2) a description of the development strategy specifying, in particular,

(*a*) the objectives, such as sector consolidation or reclassification, setting out the type of construction or activity that could be authorized according to class of flood zone, and the conditions to apply that will be implemented in the by-law adopted pursuant to section 79.1 of the Act respecting land use planning and development (chapter A-19.1);

(*b*) a description of the activities included in the development strategy, stating, as applicable, whether they must be authorized by the Minister or by another government authority; and

(*c*) the flood-risk mitigation measures that will be implemented, such as building adaptation or raising or developing the road network;

(3) the implementation timetable for the development strategy;

(4) a description of the public awareness measures the regional county municipality intends to implement regarding flood risks.

143. The regional county municipality must send the flood risk management plan to the Minister as soon as it has been completed.

DIVISION IV
RETENTION OF INFORMATION AND DOCUMENTS

144. The regional county municipality must retain all information and documents serving to prepare the flood risk management plan and used for the expert evaluation, along with the expert evaluation and flood risk management plan, for the entire time the plan is being implemented and thereafter for a minimum period of 10 years following completion of the last activities under the plan.

The information and documents must be provided on request to the Minister within the time the Minister specifies.

DIVISION V
REVIEW OF A FLOOD RISK MANAGEMENT PLAN

145. A regional county municipality must review its flood risk management plan at the earliest of

(1) each 10-year period;

(2) the time at which the boundaries of the flood zones in its territory are modified; and

(3) after any flooding, unless the plan was reviewed less than 5 years earlier.

The review must

(1) be based on the boundaries of the flood zones in effect at the time of the review;

(2) be based on an expert evaluation current at the time of the review, including the flood hazard characterization, assessment of the 4 types of vulnerability and the resulting flood-risk evidence;

(3) validate the congruence between the current evidence and the development strategies in the flood risk management plan; and

(4) should there be incongruence or, with a view to improving it, review the development strategy in the flood risk management plan and the measures described in paragraph 12 of section 134.

146. Implementation of every review of a flood risk management plan takes place by the adoption of a by-law pursuant to section 79.1 of the Act respecting land use planning and development (chapter A-19.1), in accordance with section 79.17 of that Act.

DIVISION VI
CRITERIA FOR APPROVAL OF A REGIONAL BY-LAW IMPLEMENTING A FLOOD RISK MANAGEMENT PLAN

147. To be approved by the Minister of Municipal Affairs, Regions and Land Occupancy pursuant to section 79.17 of the Act respecting land use planning and development (chapter A-19.1), a by-law adopted pursuant to section 79.1 of that Act to implement a flood risk management plan must meet the following criteria:

(1) it must provide the precise boundaries and a detailed description of the sectors in the regional county municipality's territory that will be covered in the flood risk management plan;

(2) it must meet the criteria set out in section 134 for the flood risk management plan;

(3) it must contain the elements required by section 142 for the flood risk management plan;

(4) it must determine the residential and non-residential uses, constructions and work that may be authorized under the regional by-law and the conditions that are to apply for all the sectors of the territory covered by the flood risk management plan, according to class of flood zone;

(5) it must establish that the necessity of authorizations other than those issued by the municipality for activities to be carried out, if applicable, was taken into consideration for the implementation of the regional by-law;

(6) it must determine the control measures the regional county municipality may use to verify compliance of the activities authorized under the regional by-law;

(7) it must determine the penalties applicable for breach of the regional by-law;

(8) it must determine the situations entailing a review of the regional by-law set out in the first paragraph of section 145.

CHAPTER V
REPORTING

148. Every local municipality and every regional county municipality must keep a register of municipal permits issued for activities in bodies of water, specifying for each permit

(1) the activity authorized;

(2) the type of body of water where the authorized activity is to take place, including the intensity class, if applicable;

(3) the surface area, in square metres, of each type of body of water where the authorized activity is to take place;

(4) the lot number where the activity is carried out;

(5) the type of building associated with the activity, if applicable;

(6) what is covered by the work under the development strategy, whether consolidation or reclassification of the sectors in its territory; and

(7) the flood adaptation measures put in place for the built framework.

If the municipalities are covered by a flood risk management plan implemented by a regional by-law adopted pursuant to section 79.1 of the Act respecting land use planning and development (chapter A-19.1) and approved by the Minister of Municipal Affaires, Regions and Land Occupancy pursuant to section 79.17 of that Act, and permits are issued under that regional by-law, the municipalities must also distinguish the information specified under the first paragraph according to whether the permits were issued under the management plan or not.

The information in the register is public information and must be sent to the Minister on request, within the time and on the terms the Minister specifies. The information must be retained for a period of at least 5 years.

149. Every local municipality required to keep a register under section 148 must, not later than 31 January each year, provide the regional county municipality of which it is a part with the information in its register of authorizations for the preceding year.

150. Based on the information received pursuant to section 149 and the information concerning the permits it has issued, each regional county municipality must, not later than 31 March of each year, post on its website a summary for the preceding year comprising, for each local municipality in its territory and by type of body of water, including the flood zone intensity class, if applicable, the following information:

(1) the number of permits issued under this Chapter in the territory of each local municipality;

(2) a list of the various activities authorized;

(3) the proportion of each type of building associated with the activities;

(4) the total area in square metres covered by the total of all permits issued, for each type of body of water.

If the regional county municipality is covered by a flood risk management plan implemented by a by-law adopted pursuant to section 79.1 of the Act respecting land use planning and development (chapter A-19.1) and approved by the Minister of Municipal Affaires, Regions and Land Occupancy pursuant to section 79.17 of that Act, and permits are issued under the regional by-law, the municipality must also distinguish the information specified under the first paragraph according to whether the permits were issued under the management plan or not.

The summary must be posted on the regional county municipality's website for a period of at least 5 years.

CHAPTER VI
PENALTIES

DIVISION I
MONETARY ADMINISTRATIVE PENALTIES

151. A monetary administrative penalty of $1,000 may be imposed on a municipality that fails to

(1) provide information or a document required under this Regulation or comply with the times and terms for providing it;

(2) retain, for the required time period, the information and documents it is required to prepare or obtain;

(3) keep the register as provided by section 148; or

(4) post the summary of authorizations as provided by section 150.

DIVISION II
PENAL PROVISONS

152. A municipality is guilty of an offence and is liable to a fine of $3,000 to $600,000 if the municipality

(1) refuses or omits to provide information or a document required under this Regulation or to comply with the times and terms for providing it;

(2) fails to retain, for the required time period, the information and documents it is required to prepare or obtain;

(3) fails to keep the register as provided by section 148; or

(4) fails to post, as provided by section 150, the summary of authorizations referred to in that section.

153. Every person who

(1) contravenes any of sections 12, 19, 31, 62 to 67, 69 to 71, 75, 76, 80, 110, 117 or 119 to 124;

(2) otherwise fails to comply with any standard or condition, restriction, prohibition or requirement relating to a permit issued by a municipality under this Regulation,

is guilty of an offence and is liable, in the case of a natural person, to a fine of $2,500 to $250,000 and, in other cases, to a fine of $7,500 to $1,500,000.

154. Every person who

(1) makes a false or misleading declaration or provides false or misleading information or documents;

(2) carries out an activity to which sections 36 to 59 apply without first obtaining a permit issued by a municipality under the first paragraph of section 37;

(3) carries out an activity to which sections 110 to 112 apply without first obtaining a permit issued by a municipality under the first paragraph of section 109; or

(4) carries out an activity covered by the flood risk management plan prepared under section 131 without first obtaining a permit issued by a municipality as required by the plan,

commits and offence and is liable, in the case of a natural person, to a fine of $5,000 to $500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment and, in other cases, to a fine of $15,000 to $3,000,000.

155. Every person who contravenes any of sections 18, 21 to 30, 34, 72 to 74, 77 to 102, 105 to 108 or 125 to 129 commits an offence and is liable, in the case of a natural person, to a fine of $8,000 to $500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment and, in other cases, to a fine of $24,000 to $3,000,000.

156. Every person who contravenes section 68, 116 or 118 commits an offence and is liable, in the case of a natural person, to a fine of $10,000 to $1,000,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of three years, or to both the fine and imprisonment and, in other cases, to a fine of $30,000 to $6,000,000.

CHAPTER VII
TRANSITIONAL AND FINAL

157. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulations establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to activities to which this Regulation applies.

158. A municipal permit issued under the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (chapter Q-2, r. 32.2) is deemed to be a permit issued under this Regulation.

159. This Regulation replaces the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (chapter Q-2, r. 32.2).

160. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec)*.

SCHEDULE I
(Section 5)

BOUNDARY OF THE LITTORAL ZONE

The boundary of the littoral zone is determined based on various factors such as the presence of works or special ecological conditions.

The following methods must be used in the order determined below, according to the cases described:

(1) the eco-geomorphological method must be used for coasts and islands in the following places:

(*a*) the Gulf of St. Lawrence;

(*b*) the baie des Chaleurs;

(*c*) the rivière Saguenay within the boundaries of the Saguenay–St. Lawrence Marine Park;

(*d*) the portion of the St. Lawrence River downstream of the territories of the municipalities of Saint-Louis-de-Gonzague-du-Cap-Tourmente, Saint-Vallier and Saint-François-de-l'Île-d'Orléans;

(2) in the presence of a water retaining structure greater than 1 m in height, the boundary of the littoral zone is situated at the operating level of the hydraulic structure for the part of the body of water upstream from the structure, within its zone of influence;

(3) if the 2 year flood recurrence level has been established under subdivision 2 of Division V.1 of Chapter IV of Title 1 of the Act, the boundary of the littoral zone is determined using that recurrence level;

(4) if plant species are present, the botanical method must be used;

(5) in other cases, the boundary of the littoral zone must be determined by hydraulic modelling of the 2 year flood recurrence level.

The first paragraph does not operate to modify the boundary of the littoral zone of the St. Lawrence River situated in the territory of Municipalité régionale de comté de La Côte-de-Beaupré applicable under the Act to delimit the high water mark of the St. Lawrence River in the territory of Municipalité régionale de comté de La Côte-de-Beaupré (S.Q. 1999, c. 84).

SCHEDULE II
(Section 5)

FLOOD ZONE WHOSE BOUNDARIES ARE DETERMINED ON ANOTHER BASIS

In the absence of a flood zone established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act, the flood zones are those whose boundaries on 25 March 2021 have been established using one of the following means:

(1) a map approved under an agreement on mapping and flood zone protection between the Gouvernement du Québec and the Government of Canada;

(2) a map published by the Gouvernement du Québec;

(3) a map integrated into a land use and development plan or an interim control by-law;

(4) the 20 year or 100 year, or both, flood recurrence levels established by the Gouvernement du Québec;

(5) the 20 year or 100 year, or both, flood recurrence levels referenced in a land use and development plan or an interim control by-law;

(6) any perimeter indicated on a map referred to in Schedule 2 to Order in Council 817-2019 dated 12 July 2019, as amended by Order in Council 1260-2019 dated 18 December 2019 and by orders of the Minister of Municipal Affairs and Housing dated 2 August 2019, 23 August 2019, 25 September 2019, 23 December 2019 and 12 January 2021, excluding the territories listed in Schedule 4 to Order in Council 817-2019 dated 12 July 2019.

In the event of a conflict in the application of the various means referred to in subparagraphs 1 to 5 of the first paragraph, the boundaries of a flood zone are established according to the most recent of those means and, secondarily, according to the most recent flood recurrence level.

Despite the first paragraph, the boundaries of flood zones established on a map integrated into a land use and development plan or an interim control by-law between 25 March 2021 and 23 June 2021 are recognized.

SCHEDULE III
(Sections 69, 77, 78)

PROTECTION OBJECTIVES

PROTECTION OBJECTIVES APPLICABLE IN A FLOOD ZONE WHOSE BOUNDARIES ARE ESTABLISHED UNDER SUBDIVISION 2 OF DIVISION VI OF CHAPTER IV OF TITLE 1 OF THE ACT

1. The protection objective is the level of safety sought for the ground-level floors for buildings or the highest level of works so as to minimize the risks of damage in the event of a flood. It is determined on the basis of the 350 year flood recurrence level established by the Gouvernement du Québec. There are 3 protection levels, shown in the following table.

Protection objectives		
Maximum	**Moderate**	**Minimum**
45 cm above the 350 year flood recurrence level	15 cm above the 350 year flood recurrence level	the 350 year flood recurrence level

2. The table below assigns to each activity a protection level to be complied with, as applicable.

Activities	Protection level
Residential access	Minimum
Residential building	Maximum
Road	Minimum
Protective backfill embankment	Minimum

PROTECTION OBJECTIVES APPLICABLE IN A FLOOD ZONE WHOSE BOUNDARIES ARE ESTABLISHED UNDER SCHEDULE II

3. The protection objective is the level of safety sought for the ground-level floors for buildings or the highest level of works so as to minimize the risks of damage in the event of a flood. The objectives are determined on the basis of the 100 year flood recurrence level established using one of the means referred to in subparagraphs 3 and 4 of Schedule II or, if that recurrence level has not been established, it is replaced by the highest level of flood water attained that was used as a reference to establish the flood zone boundary pursuant to Schedule II. There are 2 protection levels, shown in the following table.

Protection objectives		
Maximum	**Moderate**	**Minimum**
60 cm above the 100 year flood recurrence level	30 cm above the 100 year flood recurrence level	the 100 year flood recurrence level

4. The table below assigns to each activity a protection level to be complied with, as applicable.

Activities	Protection level
Residential access	Minimum
Residential building	Maximum
Road	Minimum
Protective backfill embankment	Minimum

Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact

Environment Quality Act
(chapter Q-2, s. 22, 1st par., subpar. 10, s. 23, s. 31.0.6, s. 46.0.22, pars. 6 and 12, and s. 95.1, 1st par., subpars. 7, 9, 10, 13 and 21, and 2nd par.)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, s. 45, 1st par.)

1. The Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended in section 1

(1) by replacing "environmental impact" in the first paragraph by "impact on environment quality, on the life, health, safety, welfare or comfort of human beings or on ecosystems, other living species or property";

(2) by striking out "on the environment" in the third paragraph.

2. Section 2 is revoked.

3. Section 2.1 is amended by striking out ", except the provisions that apply to an activity subject to a municipal authorization under section 6, 7 or 8 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (chapter Q-2, r. 32.2)".

4. Section 3 is amended

(1) by inserting the following definitions in alphabetical order:

""culvert" means a structure built under embankments that allows water to flow under a road, a railway or similar infrastructure, designed in a way that ensures that its length is based on the width of the infrastructure; (*ponceau*)";

""flood protection works" means flood protection works within the meaning of section 1 of the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*), extending over 3 m from its downstream toe and upstream toe, calculated from the works; it is not considered to be a wetland or body of water within the meaning of section 46.0.2 of the Act, despite the possible presence of water; (*ouvrage de protection contre les inondations*)";

(2) by adding the following at the end of the definition of "storm water management system":

"(4) a watercourse;".

5. Section 4 is amended by replacing paragraph 4 by the following:

"(4) the terms defined by sections 4, 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*), which take into account the exclusions in the second paragraph of section 4, must be used;".

6. The following is inserted after section 15:

"**15.1.** No application for the issue or amendment of an authorization under section 22 or 30 of the Act or under this Regulation for a project involving an activity prohibited by a regulation made under the Act is to be considered for analysis by the Minister.".

7. Section 24 is amended by replacing "the littoral zone, on a riverbank or lakeshore or in a flood zone" in subparagraph *c* of subparagraph 1 of the first paragraph by "a body of water".

8. Section 25 is amended by replacing "331" in the second paragraph by "330".

9. Section 26 is amended

(1) in the first paragraph,

(*a*) by replacing "qualified in the fields of hydrogeomorphology, hydrology or hydraulics" in subparagraph 5 by "qualified in the fields of hydrogeomorphology";

(*b*) by adding the following at the end of the first paragraph:

"(8) in the cases described for in the fourth paragraph, an opinion, signed by an engineer, assessing the hydraulic impact of the project on the flow regime upstream and downstream of the work site, in particular on flooding and erosion risks.";

(2) by adding the following paragraph at the end:

"The opinion referred to in subparagraph 8 of the first paragraph is also required in the following cases:

(1) the construction of weirs;

(2) the construction, in a watercourse, of slope stabilization works more than 30 m long using inert materials;

(3) the development of a watercourse that changes the geometry of the watercourse bed over at least 500 m.".

10. Section 46 is amended in the second paragraph

(1) by inserting ", rail or shared transportation" after "linear" in subparagraph 3;

(2) by striking out "energy-dissipating" in subparagraph 5.

11. Section 51 is amended in the first paragraph

(1) by inserting "or a notice of execution issued pursuant to the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6)" at the end of subparagraph 1;

(2) by inserting the following after subparagraph 2:

"(3) activities carried on in accordance with a statement of offence issued by a municipality pursuant to the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*);".

12. Section 52 is amended by inserting "or on flood protection works" after "body of water" in the portion before paragraph 1.

13. Section 75 is amended by replacing subparagraph 1 of the first paragraph by the following:

"(1) the burial occurs 10 m or more from a wetland;".

14. The following Chapter is inserted after section 165:

"CHAPTER XV
FLOOD PROTECTION WORKS

DIVISION I
GENERAL

165.1. Unless otherwise provided, for the purposes of this Chapter,

(1) a works or a building accessory to a residential building consists in any works, building, equipment or structure detached from the building and situated on the same grounds, excluding works enabling access to or the crossing of a lake or a watercourse, as well as anchored, open pile or wheeled structures, structures floating on or extending into the water such as a quay or a boat shelter, electrical wires, septic facilities, wells, mains and residential accesses;

(2) a residential access consists in any infrastructure or works giving access to a residential building or its accessory works and buildings, such as a vehicular entrance or pedestrian walkway, including a parking area;

(3) the construction of an infrastructure, works, building or equipment consists in its siting, which includes its conversion, as well as its replacement, reconstruction, substantial modification, relocation and dismantling;

(4) the reconstruction of an infrastructure, works other than flood protection works, building or equipment consists in construction, refurbishment or repair work involving 50% or more of the infrastructure, works, building or equipment, provided the work is carried out within not more than 3 years after demolition or dismantling, and the encroachment area is equal to or less than the initial encroachment area;

(5) the relocation of a works, building or equipment consists in moving it to a new site different from the site on which it was previously located;

(6) the maintenance of an infrastructure, works, building or equipment consists in inspecting, refurbishing and repairing it and is carried out in the immediate vicinity of the infrastructure, works, building or equipment;

(7) a substantial modification consists in a change to the structural or functional characteristics of an infrastructure, works, building or equipment, as well as an enlargement, extension or prolongation of the infrastructure, works, building or equipment; in the case of flood protection works, it includes the raising, lowering or shortening of the works;

(8) dismantling or demolition involves more than 50% of an infrastructure, works, building or equipment and includes waste management and site restoration; the removal of an infrastructure, works, building or equipment in order to relocate it is considered to be dismantling or demolition; the demolition of flood protection works is not considered to be dismantling or demolition;

(9) the management of vegetation consists in cutting, pruning, removing, planting and seeding vegetation;

(10) minor soil grading involves leveling soil to create a uniform surface, free from depressions and irregularities, limiting fill and excavation to a maximum of 30 cm;

(11) the terms defined in section 3 of the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*) must be used.

DIVISION II
ACTIVITIES REQUIRING AUTHORIZATION

165.2. The construction of flood protection works requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

In addition to the general content prescribed by section 16, an application for authorization must contain the following information and documents:

(1) a demonstration that there is no other means of ensuring adequate protection of persons and property;

(2) a demonstration that the work to be carried out is in the public interest, in particular because of the number of persons, infrastructures, buildings or works to be protected;

(3) in the case of the siting of a works, a demonstration that the purpose of the works is to protect a territory in which at least 75% of the lots are occupied by a residential building or a non-residential building at the time of the application;

(4) the plans and specifications of the works;

(5) a technical report signed by the engineer who prepared the plans and specifications, dealing with the following elements:

(*a*) whether or not the performance standards set out in the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*) have been met;

(*b*) in the case of a reconstruction, the reasons justifying, if applicable, why the works does not meet the performance standards set out in the Flood Protection Works Regulation, in particular the special site topography and the substitute performance standards proposed with regard to those reasons;

(*c*) the projected level of protection of the works, actual and apparent;

(*d*) as regards removable works, their stability, reliability and the possibility of timely use in any season;

(6) a hydraulic and hydrological study, signed by an engineer, assessing the hydraulic impact of the project on the flow regime upstream and downstream of the works, in particular flooding and obstruction risks;

(7) a hydrogeomorphic study, signed by a person with qualifications in the field of hydrogeomorphology, assessing the works' upstream and downstream geomorphological impact, in particular erosion risks;

(8) the maximum boundaries of the exposed zone in the event of failure, overflow or bypass, established using the method described in section 9 of the Flood Protection Works Regulation, and identification of the vulnerable elements in that zone;

(9) if the engineer's report referred to in subparagraph 5 shows the performance standards have been met,

(*a*) a supplemental hydraulic and hydrologic study, signed by an engineer, demonstrating the project's compliance with the applicable design hazard reference and showing the method used to calculate freeboard;

(*b*) a stability study of the works and the underlying ground, signed by an engineer, for each segment of the works and each place considered critical, as well as the related calculations; the study and calculations must rely on best practices and the applicable performance standards and be based on the modes of failures liable to occur;

(*c*) a topographical survey of the site identifying potential bypass points; and

(*d*) an engineer's opinion concerning the measures to put in place to prevent flooding at the bypass points identified;

(10) if the engineer's report referred to in subparagraph 5 establishes that the performance standards will not be met, a statement by the engineer attesting that the work does not destabilize the works and describing the gain for the safety of persons and property;

(11) if the engineer's report referred to in subparagraph 5 establishes that the performance standards will be met, a statement by the engineer attesting that the plans and specifications meet the standards; and

(12) an attestation from the municipality concerned confirming it agrees to the work being carried out, if the municipality is not the applicant for the authorization.

For the purposes of this section, "construction" does not include dismantling.

165.3. The dismantling and neutralization of flood protection works, as well as the dismantling of an ancillary works, building or equipment necessary for the operation of flood protection works, require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

In addition to the general content prescribed by section 16, an application for authorization must contain,

(1) for the dismantling or neutralization of flood protection works, a technical report signed by an engineer establishing that the works will not pose a risk of greater flooding or a residual risk of rupture after the work has been completed; and

(2) for the dismantling of an ancillary works, building or equipment necessary for the operation of flood protection works, a technical report signed by an engineer establishing that the ancillary works, building or equipment is no longer necessary for the operation of the flood protection works and that its dismantling does not pose a risk to the safety of persons and property.

165.4. The construction and maintenance of an ancillary works, building or equipment necessary for the operation of flood protection works require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

In addition to the general content prescribed by section 16, an application for authorization for the construction of an ancillary works, building or equipment necessary for the operation of flood protection works referred to in this section must contain the following information and documents:

(1) the plans and specifications of the works or equipment; and

(2) a technical report signed by an engineer attesting that the works or equipment is of sufficient capacity and is adequate to ensure the proper operation of the flood protection works.

For the purposes of this section, "construction" does not include dismantling.

165.5. Any activity carried out on flood protection works, other than an activity referred to in sections 165.3 and 165.4, requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

In addition to the general content prescribed by section 16, an application for authorization must contain the following information and documents:

(1) the reasons for which the activity must necessarily be carried out on the works, based in particular on

(*a*) a description of the constraints attendant to the carrying out of the activity;

(*b*) a description of the alternative scenarios examined to carry out the activity elsewhere or in a different manner;

(*c*) if applicable, a description of the zoning and land-use constraints associated with potential alternative sites within the municipality; and

(*d*) a description of the nature of the activity and needs to be met, with a demonstration that it is not possible carry out the activity elsewhere;

(2) a technical report signed by an engineer

(*a*) specifying the measures to be put in place so that the work does not impair the safety of the works, in particular as regards its stability, integrity and impermeability, during and after completion of the work; and

(*b*) if the activity is the construction of a works, infrastructure, building or equipment, an assessment of its impact on access to the flood protection works, vehicle movement on the works and the performance of maintenance and monitoring activities;

(3) an attestation from the municipality concerned confirming it agrees to the work being carried out, if the municipality is not the applicant for the authorization.

DIVISION III
ACTIVITIES ELIGIBLE FOR A DECLARATION OF COMPLIANCE

165.6. The replacement of an ancillary works, building or equipment necessary for the operation of flood protection works is eligible for a declaration of compliance on the following conditions:

(1) the works, building or equipment is replaced by another of an equal or greater capacity; and

(2) the depth of the excavation or insertion of material or equipment into the soil does not exceed 30 cm.

165.7. The development of land for recreational purposes on flood protection works is eligible for a declaration of compliance if the depth of the excavation or insertion of material or equipment into the soil, if applicable, does not exceed 30 cm.

165.8. The construction on flood protection works of structures other than those referred to in this Division, such as interpretation panels, benches or picnic tables, is eligible for a declaration of compliance on the following conditions:

(1) if the work requires excavation or the insertion of material or equipment into the soil, the depth of the excavation or insertion does not exceed 30 cm; and

(2) each structure has a surface area not greater than 5 m^2.

165.9. Taking samples, conducting surveys or technical surveys or taking measurements is eligible for a declaration of compliance on the following conditions:

(1) the work is solely for the purpose of investigating the works itself;

(2) the work requires excavation or the insertion of material or equipment into the soil at a depth exceeding 30 cm.

165.10. Work required for a surface water withdrawal facility on flood protection works is eligible for a declaration of compliance on the condition that the required excavation depth does not exceed 30 cm.

165.11. Stump removal work on flood protection works is eligible for a declaration of compliance.

165.12. In addition to what is required by section 41, a declaration of compliance for an activity to which this Division applies must contain the following information and documents:

(1) a declaration, signed by an engineer,

(*a*) specifying the measures to be put in place so that the work does not impair the safety of the works, during and after completion of the work; and

(*b*) if the activity is the construction of a works, infrastructure or equipment, attesting that the construction does not restrict access to the flood protection works and does not impede vehicle movement on the works or the performance of maintenance and monitoring activities;

(2) an attestation from the municipality concerned confirming it agrees to the work being carried out.

165.13. Within 60 days after the work, a declarant must send the Minister an attestation from a professional indicating that the work was performed in accordance with the information and documents submitted with the declaration of compliance or, if changes have occurred, an attestation from a professional indicating that the changes comply with the conditions of this Chapter.

DIVISION IV
EXEMPTED ACTIVITIES

165.14. The maintenance of flood protection works and of any ancillary works, building or equipment is exempted from authorization pursuant to this Division on the following conditions:

(1) the work is carried out with no waterweed cutting;

(2) if the work requires excavation or insertion of material or equipment into the soil, the depth of the excavation or insertion does not exceed 30 cm;

(3) if the work requires the use of explosives, it is carried out in a dewatered area.

165.15. The construction of the following works, infrastructures and buildings on flood protection works is exempted from authorization pursuant to this Division:

(1) a residential building, its accessory works and buildings and residential accesses;

(2) a non-residential building, other than a non-residential building necessary for the operation of flood protection works, on the following conditions:

(*a*) its construction does not involve excavation work, including for foundations or to bury equipment, mains or wires;

(*b*) the area of the building on the same lot does not exceed 30 m^2;

(3) an infrastructure or works giving access to a non-residential building, works, infrastructure, equipment or site, such as a vehicular entrance or pedestrian walkway, on the following conditions:

(*a*) the infrastructure or works is not impervious;

(*b*) the infrastructure or works does not exceed 6.5 m in width;

(*c*) there is no other means of accessing the works, infrastructure, building or site.

165.16. The following activities on flood protection works are exempted from authorization pursuant to this Division:

(1) the maintenance of a residential building, its accessory works and buildings and residential accesses;

(2) the maintenance of any infrastructure, works, equipment or non-residential building present, other than those referred to in section 165.14, on the following conditions:

(*a*) the work is carried out without drilling;

(*b*) if the work requires excavation or the insertion of material or equipment into the soil, the depth of the excavation or insertion does not exceed 30 cm.

165.17. The management of vegetation on flood protection works, including such management required for the carrying out of an activity eligible for a declaration of compliance or exempted pursuant to this Chapter, is exempted from authorization pursuant to this Division on the following conditions:

(1) the work is carried out with no waterweed cutting;

(2) if the work involves the management of harmful plant species and invasive exotic plant species, it is carried out manually and by tarping;

(3) if the work requires stump removal, it is covered by a declaration of compliance in accordance with section 165.11.

165.18. Minor soil grading on flood protection works is exempted from authorization pursuant to this Division.

165.19. The removal of debris or accumulations of ice on flood protection works is exempted from authorization pursuant to this Division.

165.20. Taking samples, conducting surveys or technical surveys or taking measurements is exempted from authorization pursuant to this Division on the following conditions:

(1) the work is carried out without drilling;

(2) if the work requires excavation or the insertion of material or equipment into the soil, the depth of the excavation or insertion does not exceed 30 cm.".

15. Section 312 is amended by adding the following paragraph at the end:

"Despite the fact that interventions carried out in the environments or on the works referred to in the second paragraph of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*) do not require an authorization pursuant to subparagraph 4 of the first paragraph of section 22 of the Act, the neutralization and dismantling of flood protection works require such authorization.".

16. Section 313 is replaced by the following:

"**313.** Unless otherwise provided, for the purposes of this Chapter,

(1) a reference to a littoral zone, riverbank or lakeshore includes any wetland present;

(2) a reference to a body of water includes any wetland present in the littoral zone, on a riverbank or lakeshore or in a short-term channel migration zone, excluding any wetland present in a flood zone or in a long-term channel migration zone;

(3) a reference to a flood zone excludes the littoral zone, a riverbank or lakeshore, a channel migration zone and any wetland present;

(4) a reference to a channel migration zone excludes the littoral zone, a riverbank or lakeshore, a flood zone and any wetland present in a long-term channel migration zone, but includes a wetland present in a short-term channel migration zone;

(5) a reference to a short-term channel migration zone excludes the littoral zone, a riverbank or lakeshore and a flood zone, but includes any wetland present;

(6) a reference to a long-term channel migration zone excludes the littoral zone, a riverbank or lakeshore, a flood zone and any wetland present;

(7) a reference to a pond, marsh, swamp, peatland or peat bog or wetland in general is a reference to the environment concerned that is not situated in the littoral zone, on a riverbank or lakeshore, or in a short-term channel migration zone;

(8) a reference to an area or length is a reference to the cumulative area or length for the type of environment in which the activity takes place and includes, if applicable, the planned footing under a structure;

(9) the diameter of a tree is measured at a height of 1.3 m from the highest ground level;

(10) the management of vegetation and minor soil grading required for the carrying out of another activity referred to in subparagraph 4 of the first paragraph of section 22 of the Act are included in that activity for the purposes of this Chapter;

(11) minor soil grading involves leveling soil to create a uniform surface, free from depressions and irregularities, limiting fill and excavation to a maximum of 10 cm;

(12) the management of vegetation includes cutting, pruning, removing, planting and seeding vegetation, but excludes cultivation of non-aquatic plants and mushrooms and forest development activities;

(13) a forest development activity refers to an activity carried out elsewhere than on land in the domain of the State and specifically intended to develop and conserve forest land;

(14) a silvicultural treatment is a forest development activity that is intended, as part of a specific silvicultural regime and scenario, to direct the development of a stand, in particular as regards its renewal, or to improve its yield and quality;

(15) the construction of an infrastructure, works, building or equipment consists in its siting, replacement, reconstruction, substantial modification and relocation;

(16) reconstruction consists in construction, refurbishment or repair work involving 50% or more of the infrastructure, works, building or equipment, provided the work is carried out within not more than 3 years after demolition or dismantling, and the encroachment area is equal to or less than the initial encroachment area;

(17) the relocation of an infrastructure, works, building or equipment consists in moving it to a new site different from the site on which it was previously located;

(18) the maintenance of an infrastructure, works, building or equipment consists in inspecting, refurbishing and repairing it and is carried out in the immediate vicinity of the infrastructure, works, building or equipment; work that involves less than 50% of the infrastructure, works, building or equipment is considered to be refurbishment or repair;

(19) a substantial modification consists in a change to the structural or functional characteristics of an infrastructure, works, building or equipment, as well as its enlargement, extension or prolongation;

(20) dismantling or demolition involves more than 50% of an infrastructure, works, building or equipment and includes waste management and site restoration; the removal of an infrastructure, works, building or equipment in order to relocate it is considered to be dismantling or demolition;

(21) a stabilization works is a works to increase the mechanical resistance of the soil or an infrastructure so as to protect against erosion and landslides;

(22) a road is an infrastructure permitting travel and whose right of way may include a roadway, shoulders, ditches and turning circles, but excludes stabilization works, a railway, a bridge, a culvert or any other works enabling access to or the crossing of a lake or a watercourse; subject to those exceptions, the following are considered to be a road:

(*a*) a road laid out by the Minister responsible for the Act respecting roads (chapter V-9);

(*b*) a trail that is not laid out as part of a forest development activity or any works permitting travel, such as cycle paths;

(*c*) an infrastructure or works giving access to a non-residential building, works, infrastructure, equipment or site, such as a vehicular entrance or pedestrian walkway;

(23) a fording site is a crossing laid out in the bed of a watercourse enabling the watercourse to be crossed;

(24) a mains or any other equipment serving a building connected to a waterworks system, sewer system or storm water management system and that is situated within the property line of the building is considered to be part of the building;

(25) the expression "underground linear public utility infrastructure" means, when they are underground, the following infrastructures:

(*a*) a natural gas supply or distribution pipeline;

(*b*) a power or telecommunications transmission and distribution line;

(26) an infrastructure, works, building or equipment is considered to be temporary if it is put in place for a maximum period of 3 years;

(27) a building is a fixed, mobile or floating structure having a roof and used or intended to be used to shelter, house or receive persons, animals, foodstuffs, or any other thing;

(28) every building other than a residential building or a building accessory to a residential building is considered to be a non-residential building;

(29) a building is considered to be a residential building if it includes at least one part that is used or intended to be used as a main or secondary private residence by a natural person, including when the residence is occasionally offered for rent to tourists;

(30) works or a building accessory to a residential building consists in any works, building, equipment or structure detached from the building and situated on the same grounds, excluding works enabling access to or the crossing of a lake or a watercourse, as well as anchored, open pile or wheeled structures, structures floating on or extending into the water such as a quay or a boat shelter, electrical wires, septic facilities, wells, mains and residential accesses;

(31) a residential access consists in any infrastructure or works giving access to a residential building or its accessory works and buildings, such as a vehicular entrance or pedestrian walkway, including a parking area; and

(32) land described in a lease granted under the Act respecting the lands in the domain of the State (chapter T-8.1) is considered to be a lot.".

17. Divisions II and III of Chapter I of Title IV of Part II are replaced by the following:

"**DIVISION II**
WETLANDS AND BODIES OF WATER

§1. General

314. This Division applies to activities carried out in wetlands and bodies of water.

§2. Activities requiring authorization

315. In addition to what is required by section 46.0.3 of the Act, the characterization study required by that section must contain

(1) a georeferenced map showing the environments involved and the site where the projected activity is to take place, containing a scale drawing showing the location of the hydrographic network of the watershed concerned;

(2) the surface area of the environments involved;

(3) the relevant elements in a water master plan, integrated management plan for the St. Lawrence, regional wetlands and bodies of water plan, metropolitan development plan, land use and development plan, interim control by-law or municipal by-law, if any;

(4) the direction of water flow;

(5) the land inventory sheets and the location, on a map, of the places where inventories have been conducted;

(6) for a peat extraction project,

(*a*) a characterization of water quality in the peatland or peat bog for the year preceding the application and in the planned discharge points;

(*b*) a program to sample the water discharged at the outlet of the sedimentation ponds and in the receiving watercourses during the extraction period; and

(*c*) a monitoring program for particle emissions.

An application for authorization must contain, in addition to the general content prescribed by section 16, a description of the disturbances or human pressures on the environments impacted by the project and of the ability of those environments to recover, or of the possibility of fully or partly restoring them once the project is completed.

§3. Activities eligible for a declaration of compliance

316. Work to manage an invasive exotic plant species by tarping, over an area equal to or greater than 75 m^2 but less than 2,000 m^2, is eligible for a declaration of compliance on the following conditions:

(1) the work is not carried out in a littoral zone;

(2) the work is intended to maintain the ecological functions of wetlands and bodies of water, to control the risks for human health, or to maintain an existing use;

(3) the vegetation in the tarped sector is dominated by invasive exotic plant species.

317. The construction of a surface water withdrawal facility is eligible for a declaration of compliance on the following conditions:

(1) if the work involves the siting of a water withdrawal facility, the facility is not situated in a channel migration zone or a zone subject to erosion or the accumulation of sediments and alluvial deposits;

(2) any work required to stabilize a littoral zone or a riverbank or lakeshore, as applicable, does not exceed an area of 16 m^2 for a dry hydrant, or 4 m^2 in other cases.

For the purposes of subparagraph 1 of the first paragraph, a reference to a channel migration zone includes a riverbank or lakeshore if it overlaps a short-term channel migration zone.

318. Drilling work, except work carried out for a natural gas storage project, is eligible for a declaration of compliance.

319. The replacement, reconstruction and refurbishment of a culvert, other than a culvert referred to in sections 322 and 326, are eligible for a declaration of compliance, provided the work does not result in alteration of the watercourse alignment, if applicable.

In addition to the elements required by section 41, a declaration of compliance referred to in the first paragraph must contain an opinion signed by an engineer attesting that the work will have no hydraulic impact on the flow regime upstream and downstream of the culvert, in particular on flooding and erosion risks.

§4. Exempted activities

320. The following vegetation management work is exempted from authorization pursuant to this Division:

(1) the management of harmful plant species and invasive exotic plant species with a view to maintaining the ecological functions of wetlands and bodies of water, controlling risks for human health or maintaining an existing use, if

(*a*) it is carried out manually; or

(*b*) it is carried out by tarping, over an area of less than 75 m^2;

(2) work carried out for civil security purposes or to target plants that are dead or affected by a pest or disease;

(3) the seeding and planting of vegetation for purposes other than landscaping;

(4) the seeding and planting of vegetation for landscaping purposes, other than for a residential building, on the following conditions:

(*a*) the work is not carried out in a littoral zone;

(*b*) the work is not carried out in a wetland, unless it is associated with a building referred to in subparagraph 3 of the first paragraph of section 345;

(*c*) if the work is carried out on a riverbank or lakeshore, it does not require tree clearing and is carried out over an area not exceeding 20 m^2;

(*d*) if the work is carried out in a flood zone, it is carried out over an area not exceeding 20 m^2 and the embankments do not exceed 15 cm in height.

For the purposes of subparagraph 4 of the first paragraph, a reference to a flood zone includes a riverbank or lakeshore.

321. The following activities are exempted from authorization pursuant to this Division:

(1) if they do not require drilling,

(*a*) taking samples;

(*b*) conducting surveys, technical surveys or archaeological excavations; and

(*c*) taking measurements;

(2) surveys and technical surveys conducted by drilling, if they are conducted on an infrastructure or works present in the environment.

For the purposes of the first paragraph, if the work is carried out in a littoral zone, on a riverbank or lakeshore or in a short-term channel migration zone or a wetland, the required management of vegetation is carried out over an area not exceeding 30 m^2.

322. The maintenance of any infrastructure, works, non-residential building or equipment is exempted from authorization pursuant to this Division on the following conditions:

(1) excavation and fill work is limited to what is necessary to maintain the infrastructure, works, building, or equipment in its original state;

(2) the work is carried out with no waterweed cutting;

(3) the work does not involve the construction of a temporary works requiring fill or excavation work in a littoral zone or, if such work is involved, the construction is covered by a declaration of compliance in accordance with section 337;

(4) in the case of a culvert, the work is carried out according to the least restrictive of the following:

(*a*) over a distance of not more than 9 m, upstream and downstream of the culvert;

(*b*) over a distance equal to twice the length of the culvert, upstream and downstream of the culvert;

(5) in the case of a channel for a ditch in a littoral zone, the cleaning work is carried out over a distance of not more than 30 m and not exceeding an area of 4 m^2 at the discharge point;

(6) the required management of vegetation is carried out in the immediate vicinity of the infrastructure, works, building or equipment.

The condition in subparagraph 5 of the first paragraph does not apply to ditches situated in an area cultivated in accordance with a declaration of compliance under section 339. In such a case, the sediment removed may be deposited and graded on that cultivated area.

323. The construction of a structure that is not already covered by this Chapter, such as urban furniture and signs anchored to the ground, is exempted from authorization pursuant to this Division if the total permanent encroachment area of the structures, including already existing structures, does not exceed, as applicable,

(1) 5 m^2 in a littoral zone or an open wetland;

(2) 10% of the area of the riverbank or lakeshore situated on the lot concerned; or

(3) 30 m^2 in other environments.

The first paragraph does not apply to underground infrastructures or to boat ramps.

For the purposes of the first paragraph, the area of a structure on a riverbank or lakeshore does not exceed 5 m^2.

324. The construction of an aerial linear infrastructure used for the transportation or distribution of electric power or telecommunications is exempted from authorization pursuant to this Division, on the following conditions:

(1) the total encroachment area on the ground of the structures, including any anchor or base, does not exceed

(*a*) 5 m^2 in a littoral zone or an open wetland; or

(*b*) 30 m^2 on a riverbank or lakeshore, or in a short-term channel migration zone or forested wetland;

(2) no tree clearing is carried out in the littoral zone, on a riverbank or lakeshore or in a short-term channel migration zone, except if

(*a*) it is required to cross a lake or watercourse;

(*b*) it makes it possible to connect the infrastructure to an existing infrastructure in the littoral zone or on a riverbank or lakeshore or less than 5 m from a riverbank or lakeshore if the infrastructure skirts a lake or watercourse; or

(*c*) it is carried out in the right of way of an existing road in a littoral zone, on a riverbank or lakeshore, or less than 5 m from a riverbank or lakeshore if the road skirts a lake or watercourse;

(3) any management of vegetation required by the work is carried out over a distance of not more than 250 m in wetlands and bodies of water.

325. The construction of a temporary works, other than a temporary road, that is not already covered by this Chapter is exempted from authorization pursuant to this Division, on the following conditions:

(1) it involves no excavation or fill work;

(2) it is carried out without tree clearing.

326. The construction of a culvert with a total opening not exceeding 4.5 m is exempted from authorization pursuant to this Division on the following conditions:

(1) if the work is carried out elsewhere than in a wetland, the culvert has a single pipe;

(2) the culvert is covered by fill not more than 3 m thick;

(3) if the work involves a watercourse, the work does not result in alteration of the watercourse alignment.

327. Work on a non-residential building to upgrade the building to the standards applicable under the Construction Code (chapter B-1.1, r. 2) is exempted from authorization pursuant to this Division.

328. The construction of any non-residential building is exempted from authorization pursuant to this Division on the following conditions:

(1) it does not take place in a littoral zone, on a riverbank or lakeshore, in a short-term channel migration zone, in a pond or in open peatland;

(2) it does not involve excavation work, including for foundations or to bury equipment, mains or wires;

(3) the area of the building on the same lot does not exceed,

(*a*) in a flood zone or a long-term channel migration zone

i. 40 m^2 if the work is carried out on a raising site, spreading site, fishing pond site or aquaculture site; or

ii. 30 m^2 in other cases;

(*b*) 30 m^2 in a forested wetland; or

(*c*) 5 m^2 in an open wetland other than a pond or a peatland or peat bog.

For the purposes of the first paragraph, the area specified in subparagraph 3 includes the area of the buildings already present in the environment.

For the construction of a building used for maple syrup production as part of a forest development activity in a forested wetland situated elsewhere than in a flood zone or a short-term channel migration zone, the conditions in subparagraphs 2 and 3 of the first paragraph do not apply, but the area of the building does not exceed 100 m^2.

329. The following activities are exempted from authorization pursuant to this Division:

(1) the removal of debris or accumulations of ice;

(2) work performed for wildlife development and management purposes, except work on fish migration barriers, immovable fish-passes, baffles and weirs;

(3) the dismantling or demolition of any infrastructure, works, building or equipment, except if the work involves

(*a*) retaining works 1 m or more in height;

(*b*) retaining works less than 1 m in height situated in a watercourse exceeding 5 m in width;

(*c*) a dike; or

(*d*) flood protection works;

(4) the substantial modification of a non-residential building, if the work does not result in further encroachment on the environment.

DIVISION III
BODIES OF WATER

§1. General

330. This Division applies to activities carried out in bodies of water.

§2. Activities requiring authorization

331. In addition to the general content prescribed by section 16 and the additional content for the characterization study prescribed by section 315, an application for authorization for an activity to which this Division applies must contain the following supplemental information and documents:

(1) if the project involves the dredging of sediments, an assessment of the potential for contamination and a sediment management plan;

(2) if the assessment referred to in subparagraph 1 concludes that the potential for contamination is present, a physiochemical characterization of the sediments and their toxicity;

(3) except for an activity carried out in a channel migration zone, an opinion on possible movement of the watercourse, signed by a person with qualifications in the field, in the following cases:

(*a*) the development of a watercourse in a way that changes its geometry, including beach nourishment and the construction of a jetty or breakwater, except if the work is to reduce the slope of the embankment over a distance of not more than 30 m;

(*b*) the construction of stabilization works using inert materials;

(*c*) the construction of retaining works or a weir;

(*d*) the construction of a bridge;

(*e*) dredging work;

(4) an opinion, signed by an engineer, assessing the hydraulic impact of the project on the flow regime upstream and downstream of the works or work site, in particular on flooding and erosion risks, and specifying, if applicable, that the study referred to in subparagraph 5 is required in the circumstances, in the following cases:

(*a*) the construction of a quay that is not a floating quay, open pile quay or wheeled quay;

(*b*) the construction of stabilization works using inert materials or of a retaining wall;

(*c*) beach nourishment work over an area of 1,000 m^2 or more;

(*d*) the development of a watercourse in a way that changes its geometry, except when the development is to reduce the slope of the embankment over a distance of not more than 30 m;

(*e*) dredging work over an area of 1,000 m^2 or more;

(5) a hydraulic study, signed by an engineer, assessing the hydraulic impact of the project on the flow regime upstream and downstream of the works or work site, in particular on flooding and erosion risks, in the following cases:

(*a*) the construction of a bridge or culvert;

(*b*) the construction of a port infrastructure in a littoral zone;

(*c*) the construction and dismantling of retaining works;

(*d*) the siting of a weir;

(*e*) the construction of jetties, breakwaters and piers;

(*f*) an activity mentioned in subparagraph 4 for which the engineer who signed the opinion referred to in that subparagraph recommends a hydraulic study;

(6) for the construction, in a flood zone, of a cribwork or rock ballast wharf, a road, a bridge, a port infrastructure, a weir or retaining works, an opinion, signed by an engineer, assessing the impact on ice flows;

(7) for the siting of retaining works in the littoral zone of a watercourse, an opinion, signed by a person with qualifications in the field, showing that the proposed mitigation measures make it possible to maintain ecological continuity;

(8) for any activity carried out in a flood zone,

(*a*) a hydraulic study, signed by an engineer, assessing the hydraulic impact of the activity on the flood zones upstream and downstream of the activity, in particular on flooding and erosion risks;

(*b*) recommendations on the measures to put in place to ensure the protection of persons and property;

(9) for any activity carried out in a channel migration zone, a hydrogeomorphic study, signed by a person qualified in the field, assessing the geomorphological impact on the environment in which the activity is carried out, as well as upstream and downstream of the activity;

(10) for any activity carried out in a flood zone or a channel migration zone,

(*a*) a characterization of the vulnerability of persons and property exposed to hazard, including in particular a description of the infrastructures, works, buildings or equipment likely to be affected by the hazard;

(*b*) the impact of the hazard on the infrastructures, works, buildings or equipment;

(*c*) recommendations on the measures to put in place to ensure the protection of persons and property;

(11) for the relocation of a building listed in the first paragraph of section 60 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*) in a flood zone or a channel migration zone,

(*a*) an opinion, signed by a professional, showing that the work ensures the safety of persons and property, in particular by the taking of adaptation measures; and

(*b*) if the adaptation measures set out in sections 58 and 59 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas affect the heritage interest of the immovable, an opinion signed by a professional showing that the measures affect that interest and that the measures proposed by the applicant offer equivalent protection for persons and property;

(12) for work that involves the erection of a low wall to protect works or a building already present in the environment against flooding, an opinion signed by a qualified person in the field showing that the adaptation measures set out in sections 58 and 59 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas cannot be complied with and that the erection of a low wall is considered to be an appropriate measure in the circumstances;

For the purposes of the first paragraph, a reference to a flood zone or a channel migration zone includes any wetland or body of water present.

§3. Activities eligible for a declaration of compliance

332. The following work, when carried out by the Minister responsible for the Act respecting roads (chapter V-9), is eligible for a declaration of compliance:

(1) the substantial modification and the reconstruction of a single-span bridge in a littoral zone that does not overlap a flood zone or a channel migration zone;

(2) the construction of a culvert other than the culvert referred to in section 326, except if the construction results in alteration of the watercourse alignment;

(3) the construction of a temporary supporting bank.

For the purposes of the first paragraph, up to 2 weirs to allow the free circulation of fish are considered to form an integral part of a culvert if they are located downstream from the culvert within a distance corresponding to 4 times the culvert opening.

333. The construction of stabilization works associated with a road, other than a retaining wall, carried out in a littoral zone or on a riverbank or lakeshore, is eligible for a declaration of compliance on the following conditions:

(1) the work is not carried out in the St. Lawrence river, estuary or gulf or in the baie des Chaleurs, except if it involves a reconstruction that does not further encroach on the littoral zone or a riverbank or lakeshore;

(2) the required stabilization works are not longer than

(*a*) 150 m if constructed using phytotechnology; or

(*b*) 50 m if constructed using inert materials.

For the purposes of subparagraph 2 of the first paragraph, if the work is intended to extend or join stabilization works or to join new stabilization works to a retaining wall, the extension or junction does not result in an extension of the total length of the works, including the length of the retaining wall, if applicable, beyond the maximum length determined in that subparagraph. Stabilization works situated less than 2 m from each other are considered to be joined.

334. The reconstruction of any stabilization works, except a retaining wall made of materials other than inert woody materials, and the replacement of a retaining wall by another type of stabilization works, are eligible for a declaration of compliance on the following conditions:

(1) the works are situated in recreational canals that are still used for that purpose;

(2) the work is carried out over a distance of not more than 100 m per lot or lease of occupation;

(3) if the work is to replace a retaining wall by another type of stabilization works, it does not further encroach on the littoral zone;

(4) in other cases, the work does not further encroach on a body of water.

In addition to the elements required by section 41, a declaration of compliance referred to in the first paragraph must contain, if the work involves the reconstruction of a retaining wall, an attestation signed by an engineer showing that the space stabilized by the retaining wall is not sufficient to allow replacement of the retaining wall by another type of stabilization works.

For the purposes of this section, recreational canals are man-made recreational waterways with a series of flumes in which the presence of water is maintained, situated in a sector where buildings have been constructed. The waterways of the St. Lawrence River are not considered to be recreational canals.

335. The following maintenance work on a watercourse is eligible for a declaration of compliance:

(1) work carried out by a municipality to clean a watercourse over a total linear distance of 500 m or less on the same watercourse, on the following conditions:

(*a*) the section of the watercourse has been drained, or its bed has an initial width of 1.5 m or less, and it has already been developed in a way that changes its geometry pursuant to an agreement, municipal by-law or authorization;

(*b*) the last cleaning work, if any, on the section of the watercourse was completed more than 5 years previously;

(*c*) the work is not carried out in the inner protection zone of a category 1 surface water withdrawal site;

(*d*) cleaning work has not been performed on the watercourse under a declaration of compliance within the last 12 months;

(2) work carried out by a municipality or the Minister responsible for the Act respecting roads (chapter V-9) to clean a watercourse that has already been developed in a way that changes its geometry and that skirts a road;

(3) cleaning work carried out by a municipality or the Minister responsible for the Act respecting roads in a ditch in a littoral zone, if no wetland is present, beyond the conditions in subparagraph 5 of the first paragraph of section 322, on the following conditions:

(*a*) the work is carried out over a distance of not more than 100 m if carried out in the ditch channel;

(*b*) the work on the point of discharge is carried out over an area not exceeding 30 m^2.

When the declaration of compliance is sent to the Minister, a copy must also be sent to the regional county municipalities whose territory lies within the watershed of the watercourse.

336. The construction of weirs and baffles is eligible for a declaration of compliance on the following conditions:

(1) it is carried out using materials other than concrete;

(2) it is carried out at a place where the width of the littoral zone of the watercourse does not exceed 5 m.

The conditions in the first paragraph do not apply to the construction by the Minister responsible for the Act respecting roads (chapter V-9) of weirs and baffles associated with a culvert. The work, however, allows the free circulation of fish and includes the installation of up to 2 weirs within a distance corresponding to 4 times the culvert opening.

337. The construction of temporary works requiring fill or excavation work to complete construction or maintenance work on an infrastructure, works, building or equipment associated with an activity that does not require authorization from the Minister pursuant to section 22 of the Act, or an amendment or renewal of such an authorization, is eligible for a declaration of compliance.

For the purposes of the first paragraph, if the temporary works is a sedimentation pond, the work must, to be eligible for a declaration of compliance, comply with the following conditions:

(1) the pond must not be situated in a littoral zone;

(2) the pond must not be situated on a riverbank or lakeshore or in a short-term channel migration zone, unless no other location is available, in which case it cannot be situated in a wetland present.

In addition to the elements required by section 41, a declaration of compliance referred to in the first paragraph must contain a demonstration that no other location is available on the work site.

338. Seismic surveys requiring explosives conducted in the dewatered portion of a riverbank, lakeshore or flood zone are eligible for a declaration of compliance in the following cases:

(1) the work is carried out by the Minister responsible for the Act respecting roads (chapter V-9);

(2) the surveys are seismic refraction surveys.

339. The cultivation of non-aquatic plants and mushrooms in the littoral zone of a lake or watercourse over an area that has been cultivated at least once in the 6 growing seasons preceding 1 January 2022 is eligible for a declaration of compliance, provided that it takes place without tree clearing.

The first paragraph does not refer to drainage work.

In addition to the elements required by section 41, a declaration of compliance referred to in the first paragraph must contain a statement by an agronomist attesting that the planned cultivation complies with this Regulation and the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*), the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

§4. Exempted activities

340. Stabilization work carried out in a body of water other than a channel migration zone is exempted from authorization pursuant to this Division on the following conditions:

(1) for the construction of stabilization works other than a retaining wall,

(*a*) if phytotechnology is used, the construction cannot exceed a length of 100 m; and

(*b*) if inert materials are used,

i. in the case of work for a lake, the construction cannot exceed a length of 30 m; and

ii. in the case of work for a watercourse, the construction cannot exceed a length of 30 m or 5 times the width of the watercourse, whichever is more restrictive;

(2) if the work is for a culvert retaining wall, the wall cannot exceed a length of 9 m.

For the purposes of the first paragraph, if the work is intended to extend or join stabilization works, the extension or junction does not result in an extension of the total length of the works beyond the lengths determined in that paragraph. Stabilization works situated less than 2 m from each other are considered to be joined.

For the purposes of this section, a reference to a channel migration zone includes any wetland or body of water present.

341. The construction of a road is exempted from authorization pursuant to this Division on the following conditions:

(1) the road surface is not impervious;

(2) the total cumulative width of the roadway and shoulders does not exceed 6.5 m;

(3) the width of the right of way for the road does not exceed

(*a*) 20 m in the case of a temporary road; or

(*b*) 10 m in other cases;

(4) for the siting or extension of a road into a littoral zone, on a riverbank or lakeshore or in a short-term channel migration zone,

(*a*) the road includes a water crossing works; and

(*b*) the sole purpose of the road is to enable the crossing of the body of water, except for a temporary road necessary for an activity that requires authorization pursuant to subparagraph 4 of the first paragraph of section 22 of the Act, is eligible for a declaration of compliance or is exempted under this Chapter;

The conditions in subparagraphs 1 and 2 of the first paragraph do not apply to the construction of a temporary road by the Minister responsible for the Act respecting roads (chapter V-9).

If the construction of a road is carried out as part of a forest development activity,

(1) the condition in subparagraph 2 of the first paragraph does not apply to work carried out on a riverbank or lakeshore or in a flood zone; and

(2) the conditions in subparagraph 3 of the first paragraph do not apply, but if the right of way of the road is situated on a riverbank or lakeshore, it cannot exceed 15 m in width.

For a temporary road exempted pursuant to subparagraph 4 of the first paragraph, the work cannot begin before the Minister has issued authorization or the declaration of compliance has been filed, as applicable.

341.1. The construction of a ditch, drainage system, waterworks system, sewer system or storm water management system is exempted from authorization pursuant to this Division on the following conditions:

(1) the work involves the underground components of the systems or the following components:

(*a*) a ditch;

(*b*) a green water management infrastructure connected to one of the systems;

(*c*) a fire hydrant;

(*d*) an outflow;

(2) work carried out in a littoral zone is for the sole purpose of discharging water into the area;

(3) work carried out on a riverbank or lakeshore or in a short-term channel migration zone is for the sole purpose of crossing the area or discharging water into the area;

(4) if the system has a pipe, the invert of the outlet pipe is at least 30 cm above the deepest part of the bed of the watercourse or lake;

(5) if the work is carried out as part of the cultivation of non-aquatic plants and mushrooms,

(*a*) drainage effluent is not discharged directly into the littoral zone of a watercourse; and

(*b*) the outflow is designed so that water is discharged into a vegetated ditch or a green water management infrastructure.

For the purposes of subparagraph 6 of the first paragraph, a green water management infrastructure is an infrastructure consisting in whole or in part of vegetation and intended to reduce the flow of water running off into a drainage network or the receiving environment, and to improve water quality by means of interception, capture, storage, treatment, infiltration or evapotranspiration.

For the purposes of this section, a reference to a system does not include the treatment facility.

341.2. The following activities are exempted from authorization pursuant to this Division:

(1) the laying out of an access to the littoral zone;

(2) the pruning of vegetation.

341.3. The construction of a structure, other than a building, that is anchored, on piles or wheels and floats on or extends into water, such as a quay or a boat shelter, is exempted from authorization pursuant to this Division if the total encroachment area of the structures in a littoral zone or on a riverbank or lakeshore, including any structures already present in those areas on the lot, does not exceed 30 m^2, excluding the anchor points.

341.4. The construction of a structure enabling water to be crossed or access to an infrastructure, works, building or equipment in a littoral zone is exempted from authorization pursuant to this Division on the following conditions:

(1) the construction is carried out with no support in the littoral zone;

(2) the structure does not exceed 5 m in width.

341.5. The following activities are exempted from authorization pursuant to this Division:

(1) the construction and maintenance of a residential building and its accessory works and buildings;

(2) work to change the use of a building from non-residential to residential;

(3) the management of vegetation for landscaping purposes associated with a residential building;

(4) the construction and maintenance of a residential access.

341.6. The following burial work is exempted from authorization pursuant to this Division:

(1) the burial of plants in a flood zone or a long-term channel migration zone;

(2) the burial of a wire and its protective sheath on a riverbank or lakeshore or in a channel migration zone or a flood zone, if any machinery is used, is carried out only in the flood zone and the long-term channel migration zone.

For the purposes of subparagraph 2 of the first paragraph, for work carried out in the right of way of a public road, the burial of wires may, in all cases, be performed using machinery.

341.7. The following activities are exempted from authorization pursuant to this Division:

(1) the laying out of a fording site not exceeding a width of 10 m;

(2) the construction of a temporary bridge having a right of way not exceeding 10 m on a riverbank or lakeshore;

(3) the installation or removal of fishing gear such as fish corrals and hoop nets;

(4) the replacement, reconstruction, substantial modification and relocation of an existing pipe in a watercourse, if the inflow and outflow of the pipe remain at the same place.

341.8. The following forest development activities are exempted from authorization pursuant to this Division when carried out on a riverbank or lakeshore without soil amendment:

(1) the harvesting of more than 40% of trees of a diameter of 10 cm or more if it is carried out following a windthrow, epidemic, fire or ice storm;

(2) the harvesting of not more than 40% of trees of a diameter of 10 cm or more;

(3) the spreading of wood waste generated on the site during the harvesting referred to in paragraphs 1 and 2.

341.9. The cultivation of non-aquatic plants and mushrooms on a riverbank or lakeshore, except drainage work, is exempted from authorization pursuant to this Division on the following conditions:

(1) it is carried out without tree clearing;

(2) it takes place more than 3 m from the littoral zone;

(3) if the earth is banked, it takes place more than 1 m from the top of the bank.

The conditions in subparagraphs 2 and 3 of the first paragraph do not apply if the cultivation is also eligible for a declaration of compliance under section 337 and declared in compliance with this Regulation.

341.10. Forest development activities carried out in a flood zone are exempted from authorization pursuant to this Division, except

(1) silvicultural drainage;

(2) road work;

(3) amendments other than the spreading of wood waste generated on the site during silvicultural treatments.

341.11. The cultivation of non-aquatic plants and mushrooms in a flood zone or a channel migration zone, except drainage work and tree-clearing work to prepare the land for cultivation, is exempted from authorization pursuant to this Division.

341.12. The development of land for recreational purposes in a flood zone is exempted from authorization pursuant to this Division on the following conditions:

(1) the works, infrastructures or equipment involved have no impact on flood routing;

(2) the ground surface is not impervious.

341.13. The following activities are exempted from authorization pursuant to this Division when carried out in a flood zone:

(1) the laying out of a heritage site declared in accordance with the Cultural Heritage Act (chapter P-9.002) if it has no impact on flood routing;

(2) the construction of an irrigation pond or artificial pond or lake of not more than 300 m^2 in area, if the irrigation pond is laid out more than 30 m from a watercourse, lake or wetland;

(3) the construction of an underground linear public utility infrastructure.".

18. Section 342 is amended by replacing "only to" by "to activities carried out in".

19. Section 343 is amended by replacing "325" in the portion before subparagraph 1 of the first paragraph by "345".

20. Section 343.1 is amended by replacing "in a wooded wetland with an area of no more than 10 ha" in the portion before subparagraph 1 of the first paragraph by "on an area of not more than 10 ha in a forested wetland" and by replacing "wooded" in the second paragraph by "forested".

21. Section 343.2 is amended by inserting "or a channel migration zone" after "flood zone" in the second paragraph.

22. The following is inserted after section 343.2:

"**343.3.** The construction by the Minister responsible for the Act respecting roads (chapter V-9) of a temporary road in a wetland, other than a pond or open peatland, is eligible for a declaration of compliance on the following conditions:

(1) the road does not exceed 20 m in width;

(2) the ditches, if applicable, are not more than 50 cm deep.".

23. Section 344 is amended by inserting "or a channel migration zone" after "flood zone" in the second paragraph.

24. Section 345 is replaced by the following:

"**345.** The following activities are exempted from authorization pursuant to this Division:

(1) the following silvicultural treatments, except silvicultural drainage and amendments other than the spreading of wood waste generated on the site during silvicultural treatments:

(*a*) silvicultural treatments carried out in a forested wetland;

(*b*) silvicultural treatments to reforest and maintain a parcel of abandoned agricultural land, including any initial tree clearing required;

(2) in the case of a residential building not connected to a waterworks system or a sewer system authorized under the Act and situated in a forested wetland situated in the balsam fir-paper birch and black spruce-moss bioclimatic domains, the construction of such a building, its accessory works and buildings and residential accesses, over an area of not more than 3,000 m^2, including the area of any landscaping;

(3) as part of a forest development activity carried out in a forested wetland, the burying of pipes to carry sap and the associated wires.

For the purposes of subparagraphs 2 and 3 of the first paragraph, activities carried out in a wetland situated in a flood zone or a channel migration zone are not exempted if the activities are not eligible for a declaration of compliance or are not exempted from authorization by the Minister pursuant to Division III of Chapter I of Title IV of Part II.".

25. The following is inserted after section 345.1:

"**345.2.** The construction of a road, other than a temporary road, is exempted from authorization pursuant to this Division on the following conditions:

(1) work carried out in a pond or open peatland does not create further encroachment on the environment;

(2) the road surface is not impervious;

(3) the cumulative width of the roadway and shoulders does not exceed 6.5 m;

(4) the road does not exceed 35 m in length;

(5) the right of way of the road does not exceed 10 m in width;

(6) the ditches in wetlands are not more than 75 cm deep calculated from the surface of the litter layer.

If the construction of a road is carried out as part of a forest development activity, the conditions in subparagraphs 4 to 6 of the first paragraph do not apply.

345.3. The construction of a temporary road, other than a temporary road referred to in section 343.3, is exempted from authorization pursuant to this Division on the following conditions:

(1) the road surface is not impervious;

(2) no ditch is laid out;

(3) the right of way of the road does not exceed 20 m in width;

(4) if the work is carried out in a pond or open peatland,

(*a*) the natural soil drainage is not disturbed;

(*b*) the work is carried out in a manner that does not create ruts when the load-bearing capacity of the soil so permits; and

(*c*) no roadway is laid out.".

26. Section 346 is replaced by the following:

"**346.** For the purposes of this Chapter, a road is an infrastructure the right of way of which may include a roadway, shoulders, ditches and turning circles, but excludes a temporary road as well as stabilization works, a railway, a bridge, a culvert or any other works to cross a lake or a watercourse.

Subject to the exceptions mentioned in the first paragraph, a route laid out by the Minister responsible for the Act respecting roads (chapter V-9) is considered to be a road.".

27. The following paragraph is added at the end of section 348:

"For the purposes of the first paragraph, a length is a reference to the cumulative length for the type of environment in which the activity takes place.".

28. Section 353 is amended by inserting "section 165.13," after "section 151," in paragraph 4.

29. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulatory amendments establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to the activities referred to in the sections introduced or amended by this Regulation.

30. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*), except section 17 as it regards subparagraph 6 of the first paragraph and the second paragraph of section 341.1 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 17.1), which comes into force on 1 March 2027.

Regulation respecting activities in wetlands, bodies of water and sensitive areas

Environment Quality Act
(chapter Q-2, s. 46.0.22, pars. 6, 8, 10 and 12, s. 95.1, 1st par., subpars. 7, 8, 9 and 21, and 2nd par., and s. 124.1)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, s. 30, 1st par., and s. 45, 1st par.)

CHAPTER I
OBJECT, SCOPE AND INTERPRETATION

1. This Regulation provides, primarily as a complement to the rules set out in other Acts and regulations, various general standards that apply to the carrying out of activities in wetlands and bodies of waters described in section 46.0.2 of the Environment Quality Act (chapter Q-2), hereafter "the Act", and in other sensitive areas to ensure greater protection for those environments and to reduce the vulnerability of persons and property exposed to flooding and to the channel migration of watercourses.

Sections 20, 23, 26, 30, 31, 32, 33, 37, 39, 40, 41, 42, 43,44, 49, 61, 67 and 68 apply only to activities eligible for a declaration of compliance or exempt from authorization under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).

2. This Regulation does not apply to

(1) activities requiring a municipal permit under the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) and activities regulated under Division II of Chapter II and under Division II of Chapter III of that Regulation;

(2) activities regulated by the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22);

(3) activities regulated by the Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01), except the activities referred to in subparagraphs *a* and *b* of subparagraph 1 of the first paragraph of section 50 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(4) activities carried out in a natural setting or an area designated under the Natural Heritage Conservation Act (chapter C-61.01), where the activities require authorization under that Act;

(5) activities carried out in a wildlife preserve referred to in the Act respecting the conservation and development of wildlife (chapter C-61.1), where the activities require authorization under that Act;

(6) activities carried out pursuant to an order made under the Act or a notice of execution issued under the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6); or

(7) the cultivation of non-aquatic plants and mushrooms, except for Chapter I, Division IX of Chapter III and sections 75 and 83.

This Regulation applies in reserved areas and in agricultural zones established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

3. Section 118.3.3 of the Act does not apply to a municipality that regulates an activity governed by this Regulation or that delimits a lakeshore or riverbank with a width exceeding the widths set out in the definition of ""lakeshore" and "riverbank"" in section 4.

4. In this Regulation, unless the context indicates a different meaning,

"alvar" means an open natural environment, either flat or slightly inclined, sometimes covered by a thin layer of soil, characterized by limestone or dolomite outcrops, as well as sparse vegetation composed mainly of shrubs, herbaceous plants and moss capable of withstanding extreme humidity and drought;

"body of water" means an area meeting the criteria set out in section 46.0.2 of the Act, characterized in particular by the permanent or temporary presence of water that may occupy a bed and may be stagnant or in movement, such as a lake or watercourse, and including their littoral zone, lakeshores and riverbanks, channel migration zones and flood zones; (*milieu hydrique*)

"boundary" means a line marking the limit of a wetland and corresponding to the point at which the soil ceases to be hydromorphic and the vegetation ceases to be dominated by hygrophilous species, in relation to the area where at least one of those conditions does apply; (*bordure*)

"boundary of the littoral zone" means the boundary separating the littoral zone from the lakeshore or riverbank, determined using the methods set out in Schedule I; (*limite du littoral*)

"channel migration zone" means an area in which the bed of the watercourse may shift because of various physical processes including erosion and sedimentation, and whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act; (*zone de mobilité*)

"culvert" means a structure built under embankments that allows water to flow under a road, a railway or other similar infrastructure, and the length of which corresponds to the width of the overlying infrastructure; (*ponceau*)

"flooded land" means an area flooded during the spring floods of 2017 or 2019, lying within the perimeter delimited pursuant to subparagraph 6 of Schedule II and, where applicable, lying outside the boundaries of the low-velocity and high-velocity zones identified using one of the means referred to in subparagraphs 1 to 3 of Schedule II; (*territoire inondé*)

"flood protection works" means flood protection works within the meaning of section 1 of the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*), extending over 3 m from its downstream toe and upstream toe, calculated from the works; a flood protection works is not considered to be a wetland or a body of water within the meaning of section 46.0.2 of the Act despite the possible presence of water; (*ouvrage de protection contre les inondations*)

"flood zone" means an area that is likely to be occupied by the water of a lake or watercourse during flood periods, whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act or, where the boundaries have not been established, are established as provided in Schedule II; (*zone inondable*)

"fording site" means a site laid out in the bed of a watercourse enabling the watercourse to be crossed; (*passage à gué*)

"forest cover" means the aggregate of the crowns of trees in a forest stand forming a more or less continuous canopy; (*couvert forestier*)

"forest development activity" means an activity referred to in paragraph 1 of section 4 of the Sustainable Forest Development Act (chapter A-18.1) carried out elsewhere than on lands in the domain of the State and aimed specifically at the development and conservation of forest lands; (*activité d'aménagement forestier*)

"forested peatland" means a peatland comprising trees more than 4 m tall covering at least 25% of its surface area; (*tourbière boisée*)

"forested swamp" means a swamp comprising trees more than 4 m tall covering at least 25% of its surface area; (*marécage arborescent*)

"forested wetland" means a forested peatland or a forested swamp; (*milieu humide boisé*)

"high-velocity flood zone" means the part of the flood zone associated with a 20 year flood recurrence; a flood zone in which high-velocity and low-velocity zones are not identified is considered to be a high-velocity flood zone; (*zone inondable de grand courant*)

"ice jam flood zone" means an area that, because of the accumulation of ice in a section of a lake or watercourse during flood periods, may be occupied by water because of the impoundment of water upstream of the lake or watercourse, whose boundaries are established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act or, where the boundaries have not been established, are established as provided in Schedule II; (*zone d'inondation par embâcle de glaces*)

"lakeshore" and "riverbank" mean the strip of land bordering a lake or watercourse and having the following width, measured inland and horizontally from the boundary of the littoral zone:

(1) 10 m where the slope is less than 30% or, where the slope is 30% or greater, it has a bank that is not higher than 5 m;

(2) 15 m where the slope is 30% or greater and is continuous or it has a bank higher than 5 m; (*rive*)

"littoral zone" means the part of a lake or watercourse that extends from the boundary separating it from the lakeshore or riverbank towards the centre of the water body; (*littoral*)

"low-velocity flood zone" means the part of the flood zone, beyond the boundaries of the high-velocity zone, associated with a 100 year flood recurrence; flooded land is considered to be such a zone; (*zone inondable de faible courant*)

"marsh" means an area of land that is permanently or temporarily flooded and dominated by herbaceous vegetation growing on a mineral or organic soil; where shrubs and trees are present, they cover less than 25% of its surface area; (*marais*)

"open peatland" means a peatland comprising trees more than 4 m tall covering less than 25% of its surface area; (*tourbière ouverte*)

"open wetland" means any wetland that is not forested; (*milieu humide ouvert*)

"peatland" means an area of land covered with peat, resulting from the accumulation of partially decomposed organic matter in a layer at least 30 cm thick, in which the water table is usually at the same level as the soil or close to its surface; (*tourbière*)

"pond" means an area of land covered by water whose depth at low water is less than 2 m; if vegetation is present, it comprises floating or submerged plants and emergent plants covering less than 25% of its surface area; (*étang*)

"public body" means a body to which the Government or a minister appoints the majority of the members, to which, by law, the personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1), or at least half of whose capital stock is derived from the Consolidated Revenue Fund; (*organisme public*)

"public institution" means any of the following facilities or institutions:

(1) "educational institution": any institution providing preschool, elementary or secondary education and governed by the Education Act (chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), a private educational institution governed by the Act respecting private education (chapter E-9.1), an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), a general and vocational college, a university, a research institute, a superior school or an educational institution of which more than one-half of the operating expenditures are paid out of the appropriations voted by the National Assembly. For the purposes of this Regulation, childcare centres and day care centres governed by the Educational Childcare Act (chapter S-4.1.1) are considered to be educational institutions; (*établissement d'enseignement*)

(2) "correctional facility": any facility used for the detention of persons and governed by the Act respecting the Québec correctional system (chapter S-40.1); (*établissement de détention*)

(3) "health and social services institution": any health and social services institution governed by the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5) and, for the purposes of this Regulation, any other place where lodging services are provided for senior citizens or for any users entrusted by a public institution governed by any of the aforementioned Acts; (*établissement de santé et de services sociaux*)

"public security establishment" means an ambulance garage, a 9-1-1 emergency centre, a secondary emergency call centre governed by the Civil Protection Act (chapter S-2.3) or any other establishment whose purpose, in whole or in part, is to provide a public security service, in particular a police service or fire safety service; (*établissement de sécurité publique*)

"rut" means a track on the surface of the ground measuring at least 4 m in length and created by the wheels or crawlers of a motorized or non-motorized machine; on organic soil, a rut is considered to be the torn plant cover and on mineral soil, a track having a depth of more than 200 mm measured from the litter surface is considered to be a rut; (*ornière*)

"shrubby swamp" means any swamp that is not a forested swamp; (*marécage arbustif*)

"St. Lawrence lowlands" means the municipalities a part of whose territory is included in that natural province; (*basses-terres du Saint-Laurent*)

"swamp" means an area of land subject to seasonal flooding or characterized by a soil permanently or temporarily saturated with water and containing ligneous, shrubby or arborescent vegetation growing on a mineral soil covering more than 25% of its surface area; (*marécage*)

"sylvicultural prescription" means a document prepared and signed by a forest engineer; (*prescription sylvicole*)

"tourist accommodation establishment" means any establishment required to be registered under the Tourist Accommodation Act (chapter H-1.01) and that is not a residential building within the meaning of section 313 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1); (*établissement d'hébergement touristique*)

"watercourse" means any mass of water running along a bed in a regular or intermittent flow, including a bed created or altered by human intervention, showing signs or traces of waterflow, including the St. Lawrence River, the estuary and the Gulf of St. Lawrence, and all the seas surrounding Québec, excluding a ditch; (*cours d'eau*)

"wetland" means an area meeting the criteria set out in section 46.0.2 of the Act, characterized in particular by hydromorphic soils or vegetation dominated by hygrophilous species, such as a pond, marsh, swamp or peatland. (*milieu humide*)

Despite the first paragraph, the following are not considered to be a wetland, a body of water, a pond, a marsh, a swamp, a peatland, a lake or a watercourse:

(1) flood protection works;

(2) the following man-made works:

(*a*) an irrigation pond;

(*b*) a water management or treatment facility referred to in subparagraph 3 of the first paragraph of section 22 of the Act;

(*c*) a water retention body containing water pumped from a quarry or a sand pit, if the quarry or sand pit has not been restored;

(*d*) a commercial fishing pond;

(*e*) a pond for the production of aquatic organisms;

(*f*) a basin reserved for fire-fighting purposes; and

(*g*) a basin the bottom of which was created using artificial materials and is used for recreational purposes such as bathing, games and sports;

(3) a wetland in which the vegetation is dominated by reed canary grass (*Phalaris arundinacea L.*) or the introduced sub-species of common reed (*Phragmites australis* (Cav.) Trin. ex Steud. subsp. *australis*), and the soil of which is not hydromorphic.

For the purposes of subparagraph 2 of the second paragraph,

(1) the works must be situated on land, in a flood zone or a long-term channel migration zone, excluding the littoral zone, a lakeshore and riverbank, a short-term channel migration zone and a wetland;

(2) the works must still be in use or, if not in use, must have remained unused for less than 10 years;

(3) a water environment resulting from work under a program to restore and create wetlands and bodies of water developed under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) or under the Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1) is not considered to be a man-made works; and

(4) a wetland or body of water into which storm water is discharged cannot be considered to be a water management or treatment facility.

5. The flood zones whose boundaries have been established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act are grouped into 4 classes of flood hazard intensity that reflect in particular the probability of occurrence and above-ground flood depth:

(1) very high flood hazard zones;

(2) high flood hazard zones;

(3) moderate flood hazard zones;

(4) low flood hazard zones.

6. The channel migration zones whose boundaries have been established in accordance with sections 46.0.2.1 to 46.0.2.3 of the Act are grouped into 2 classes of channel migration intensity that reflect in particular the erosion rate and meander cutoff:

(1) short-term channel migration zones;

(2) long-term channel migration zones.

7. Unless otherwise provided, for the purposes of this Regulation,

(1) a reference to a littoral zone or a lakeshore or riverbank includes any wetland present;

(2) a reference to a body of water includes any wetland present in the littoral zone, a lakeshore or riverbank, or a short-term channel migration zone, excluding any wetland present in a flood zone or a long-term channel migration zone;

(3) a reference to a flood zone excludes the littoral zone, a lakeshore or riverbank, a channel migration zone and any wetland present;

(4) a reference to a channel migration zone excludes the littoral zone, a lakeshore or riverbank, a flood zone and any wetland present, with the exception of a wetland present in a short-term channel migration zone;

(5) a reference to a pond, marsh, swamp, peatland or wetland in general is a reference to the environment concerned situated outside a littoral zone, a lakeshore or riverbank, or a short-term channel migration zone;

(6) an ice jam flood zone is considered to be a very high flood hazard zone;

(7) a reference to an area or length is a reference to the cumulative area or length for the type of environment in which the activity takes place and includes, where applicable, the planned footing under a structure;

(8) a distance is calculated horizontally

(*a*) from the boundary of the littoral zone, for a watercourse or a lake;

(*b*) from the boundary, for a wetland; and

(*c*) from the top of the bank, for a ditch;

(9) the diameter of a tree is measured at a height of 1.3 m from the highest ground level;

(10) minor soil grading involves levelling soil to create a uniform surface, free from depressions and irregularities, limiting fill and excavation to a maximum of 10 cm;

(11) the management of vegetation includes cutting, pruning, removing, planting and seeding vegetation, but excludes cultivation of non-aquatic plants and mushrooms, and forest development activities;

(12) a sylvicultural treatment is a forest development activity that is intended, as part of a specific silvicultural regime and scenario, to direct the development of a stand, in particular as regards its renewal, or to improve its yield and quality;

(13) the construction of an infrastructure, works, building or equipment consists in its siting, replacement, reconstruction, substantial modification and relocation;

(14) reconstruction consists in construction, refurbishment or repair work involving 50% or more of the infrastructure, works, building or equipment concerned, provided the work is carried out within not more than 3 years after demolition or dismantling, and the encroachment area is equal to or less than the initial encroachment area;

(15) the relocation of an infrastructure, works, building or equipment consists in moving it to a new site different from the site on which it was previously located;

(16) the maintenance of an infrastructure, works, building or equipment consists in inspecting, refurbishing and repairing it, and is carried out in the immediate vicinity of the infrastructure, works, building or equipment concerned; work that involves less than 50% of the infrastructure, works, building or equipment is considered to be refurbishment or repair;

(17) a substantial modification consists in a change to the structural or functional characteristics of an infrastructure, works, building or equipment and includes an extension, extension or prolongation;

(18) dismantling or demolition involves more than 50% of an infrastructure, works, building or equipment and includes waste management and site restoration; the removal of an infrastructure, works, building or equipment in order to relocate it is considered to be dismantling or demolition;

(19) an adaptation measure taken with regard to an infrastructure, works, building or equipment consists in an intervention to improve flood resilience and to reduce its vulnerability and that of persons and other property; its primary purpose is to minimize or forestall submersion, prevent water from entering a building or allow water to enter in a controlled manner;

(20) a protection objective is the desired level of safety established in accordance with Schedule III for the crest of a works or in the case of a building, for the ground-level floor;

(21) stabilization works are works to increase the mechanical resistance of the soil or an infrastructure so as to protect against erosion and landslides;

(22) a road is an infrastructure permitting travel and whose right of way may include a roadway, shoulders, ditches and turning circles, but excludes stabilization works, a railway, bridge, culvert or any other works enabling access to or the crossing of a lake or watercourse; subject to those exceptions, the following are considered to be a road:

(*a*) a road laid out by the Minister responsible for the Act respecting roads (chapter V-9);

(*b*) a trail that is not laid out as part of a forest development activity and any other works permitting travel, such as cycle paths;

(*c*) an infrastructure or works permitting travel to access a non-residential building, a works, an infrastructure, equipment or a site, such as a vehicular entrance or pedestrian walkway;

(23) an infrastructure, works or building is considered to be temporary if it is put in place for a maximum period of 3 years;

(24) a building is a fixed, mobile or floating structure having a roof and used or intended to be used to shelter, house or receive persons, animals, foodstuffs or any other thing;

(25) every building other than a residential building within the meaning of section 313 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) or a building accessory to a residential building is considered to be a non-residential building;

(26) the extension of a building consists in side extensions to the building and any extension above and below ground, with or without further encroachment on the ground;

(27) the terms "ditch", "invasive exotic plant species", "public road", "sewer system", "storm water management system" and "waterworks system" have the meaning assigned by the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact.

CHAPTER II
GENERAL STANDARDS APPLICABLE TO ALL WETLANDS AND BODIES OF WATER

DIVISION I
MISCELLANEOUS

8. This Chapter applies to wetlands and bodies of water.

9. Work carried out in wetlands and bodies of water must comply with the following conditions:

(1) materials appropriate to the site must be used;

(2) measures to control erosion, sediments and suspended matter must be put in place.

10. Activities consisting in composting the carcasses of animals that die on a farm and storing the compost produced are prohibited in a wetland or body of water.

11. Work to construct a basin, pond or artificial lake must not include an intake channel or discharge point in another wetland or body of water. Work to backfill such an area may not be carried out until it has been dewatered.

12. The depositing, in a littoral zone, on a lakeshore or riverbank or in a wetland, of an accumulation of snow from snow removal operations on roads and parking lots is prohibited, except in the case of snow removed from bridges.

13. Unless otherwise provided, interventions carried out in wetlands and bodies of water must not interfere with the free flow of water.

Despite the foregoing, such interventions may cause certain permanent restrictions to the free flow of water where they involve a bridge, culvert, weir, baffle, stabilization works or flood protection works.

DIVISION II
SITE RESTORATION AND MANAGEMENT OF VEGETATION

14. On completion of an activity carried out in wetlands and bodies of water, the following measures must be applied:

(1) all temporary works must be dismantled and removed from the site, subject to any contrary provision;

(2) embankments must be stable and protected against erosion, preferably by means of the technique most conducive to maintaining the natural character of the site;

(3) except for sylvicultural treatments, the site must be restored within one year following the completion of the activity including, as applicable,

(*a*) soil restoration; and

(*b*) in the dewatered zone, revegetation of the areas affected if they have been stripped of vegetation or soil, except

i. during drilling work;

ii. during sample taking, conducting surveys, making technical surveys, carrying out archaeological excavations and taking measurements, as regards the tree stratum; and

iii. where the revegetation jeopardizes the stability or safety of a works, as regards the tree and shrub stratum;

(4) all stabilization works must be vegetated, except in areas where it is impossible for vegetation to grow or vegetation jeopardizes the stability or safety of a works.

For the purposes of subparagraphs 1 and 3 of the first paragraph, works and materials in the ground such as pilings or anchors may be left in place, except the foundations of a building situated on a lakeshore or riverbank, or in a short-term channel migration zone.

15. Where soil restoration is required under this Regulation, it must comply with the following conditions:

(1) it must be carried out with the excavated materials or, where that is not possible, with substitute materials of the same nature as the original substrate;

(2) the organic part of the soil must be returned to the surface of the soil profile;

(3) all debris and other residual materials must be removed, unless consisting of wood waste present outside the littoral zone and produced by any activity other than the activity referred to in section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(4) the original drainage conditions must be restored or equivalent drainage conditions put in place;

(5) the restoration must be carried out as far as possible with the original topography of the site being preserved.

16. Where revegetation is required under this Regulation, it must comply with the following conditions:

(1) it must be carried out using species that belong to the same strata as those affected and are adapted to the environment, ideally native species;

(2) the survival rate of the vegetation or cover must be 80% in the year following revegetation; that failing, the dead vegetation must be replaced.

17. Seeding and planting of invasive exotic plant species is prohibited.

18. Management of vegetation in a littoral zone, on a lakeshore or riverbank, in a short-term channel migration zone or a wetland must be undertaken without stump removal, unless the nature of the work entails such removal.

DIVISION III
EXCAVATION AND BACKFILLING

19. No excavation or backfilling may be carried out in wetlands and bodies of water.

The first paragraph does not apply to activities whose nature necessarily entails backfilling or excavation, such as road construction or maintenance, burial or anchoring of certain equipment, or construction of a building.

Excavation and backfilling resulting from activities described in the second paragraph may create temporary encroachments in wetlands and bodies of water if carried out in the footing of the works or in the immediate work zone.

At the end of all activity, spoil and excess materials must be disposed of outside the wetlands and bodies of water, and managed so as to forestall sediment movement towards those areas, except for drilling mud, which may be left in a dewatered wetland, and any other spoil and materials covered by a contrary provision of this Regulation.

DIVISION IV
OPERATION AND USE OF MACHINERY

20. The operation of vehicles and machinery in wetlands and bodies of water is permitted on the following conditions:

(1) in the littoral zone, the vehicles or machinery operate only in a dewatered or drained area of the zone or in winter with snow or ice cover;

(2) if ruts are created, the area is restored to its original condition, or a condition close thereto.

The condition in subparagraph 1 of the first paragraph does not apply where the operation is necessary for

(1) drilling work;

(2) the construction of a temporary works;

(3) making preliminary technical surveys;

(4) taking samples; or

(5) taking measurements.

The condition in subparagraph 2 of the first paragraph does not apply to ruts created in trails laid out in a forested wetland, a channel migration zone or a flood zone as part of a forest development activity if the ruts appear over no more than 25% of the total length of the trails in each harvest area.

21. The refuelling and maintenance of vehicles or machinery in wetlands and bodies of water must comply with the following conditions:

(1) in a littoral zone, the work must be carried out only in a dewatered or drained area of the zone in winter with snow or ice cover;

(2) the vehicle or machinery must be equipped with a system for collecting fluid leakage and spillage or with a spillage prevention device.

DIVISION V
FOREST DEVELOPMENT ACTIVITIES

22. Sylvicultural treatments applied in wetlands and bodies of water must be carried out with a view to encouraging natural regeneration of the vegetation.

If natural regeneration of the vegetation is inadequate to restore the forest cover, the site must be reforested within 4 years after the end of the treatments, except where the treatments are carried out in a forested wetland, a channel migration zone or a flood zone following the occurrence of a natural disturbance such as a windthrow, epidemic, fire or ice storm.

23. Despite the fourth paragraph of section 19, the spreading of wood waste in a littoral zone or an open wetland is prohibited.

CHAPTER III
SPECIAL STANDARDS APPLICABLE TO BODIES OF WATER

DIVISION I
GENERAL

24. This Chapter applies to bodies of water.

DIVISION II
MANAGEMENT OF VEGETATION

25. The management of vegetation required in bodies of water to carry out another activity that requires authorization from the Minister pursuant to the Act or is eligible for a declaration of compliance under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) cannot be carried out before that authorization from the Minister has been obtained or before the expiry of 30 days after the declaration of compliance has been filed, as applicable.

26. The cutting of vegetation required in bodies of water to carry out maintenance work on a watercourse must comply with the following conditions:

(1) it must be carried out on only one bank of the watercourse;

(2) it is limited to the space necessary for carrying out the work;

(3) it does not result in the complete removal of the riparian arborescent vegetation;

(4) all plant debris must be removed from the littoral zone.

27. The burial of invasive exotic plant species must comply with the following conditions:

(1) a layer of soil at least 2 m thick exempt of invasive exotic plant species must fully cover the buried plants;

(2) the original topography of the site must not be modified by the work.

DIVISION III
WATERCOURSE MAINTENANCE

28. The maintenance work on a watercourse described in section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) must comply with the following conditions:

(1) it must be carried out in the lower one-third of the height of the bank;

(2) it must not be carried out during a flood period;

(3) it must be carried out only for the purpose of removing accumulated sediment or, where the original plans of the watercourse are available, the work must not involve evacuation deeper than beyond the depth indicated in the original plans.

In addition, work referred to in the first paragraph involving sediment removal must comply with the following conditions:

(1) the sediment must be deposited and graded outside the littoral zone or a wetland;

(2) for the cleaning work referred to in subparagraph 1 of the first paragraph of section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, the sediment must be deposited more than 3 m from the littoral zone for work carried out on a cultivated parcel and off the lakeshore or riverbank in other cases;

(3) for the cleaning work referred to in subparagraphs 2 and 3 of the first paragraph of section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, the sediment must be deposited more than 3 m from the top of the bank;

(4) the sediment must not modify the topography of the site if the sediment is deposited and graded in a flood zone, including on a lakeshore or riverbank, if applicable.

The condition in subparagraph 1 of the second paragraph does not apply to an area in a littoral zone that is cultivated pursuant to a declaration of compliance referred to in section 339 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact.

For the purposes of subparagraph 4 of the second paragraph, the reference to a flood zone includes a lakeshore or riverbank, or any channel migration zone present.

29. A municipality carrying out maintenance work on a watercourse referred to in subparagraph 1 of the first paragraph of section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is required to provide to the Minister, at the Minister's request and within the time and in the manner and form the Minister determines, the longitudinal and projected profiles as well as the original plans of the watercourse.

DIVISION IV
DEWATERING AND NARROWING OF A WATERCOURSE

30. The dewatering or temporary narrowing of the littoral zone of a watercourse may not be carried out in the same part of the watercourse more than twice in a 12-month period.

Where dewatering or narrowing work is carried out by the Minister responsible for the Act respecting roads (chapter V-9) or by a municipality, it must comply with the following conditions:

(1) in the case of work lasting for not more than 20 days, the dewatering or narrowing may be total if the water is redirected in its entirety downstream of the work;

(2) in the case of work lasting for more than 20 days, the dewatering or narrowing,

(*a*) if there is a permanent infrastructure present for which dewatering or narrowing is required,

i. may not exceed one-half of the infrastructure's opening if the dewatering or narrowing is carried out between 15 June and 30 September; and

ii. may not exceed one-third of the infrastructure's opening if the dewatering or narrowing is carried out between 1 October and 14 June; and

(*b*) if there is no permanent infrastructure present for which dewatering or narrowing is required, may not exceed two-thirds of the width of the watercourse.

Where dewatering or narrowing work is carried out by any other person not referred to in the second paragraph, in no case may it last for more than 30 consecutive days and, in addition to the conditions in the first paragraph, it must comply with the following conditions:

(1) in the case of work lasting for no more than 10 days, the dewatering or narrowing may be total if the width of the watercourse is less than 5 m and the water is redirected in its entirety downstream of the work;

(2) in other cases, the dewatering or narrowing may not exceed one-third of the width of the watercourse.

This section does not apply where dewatering or narrowing work is carried out for the purpose of managing a dam.

31. Dewatering or narrowing work in the littoral zone of a watercourse must comply with the following conditions:

(1) the equipment and materials used must make it possible to limit the discharge of suspended matter into the littoral zone;

(2) if the pumped water contains suspended matter visible to the naked eye, it must be discharged

(*a*) into a sedimentation basin located within the right-of-way of a road, where the work is carried out by a government department, public body or municipality, on the following conditions:

i. the basin is not located in the littoral zone;

ii. the basin is not located on the bank of the watercourse or in a short-term channel migration zone, except where it is impossible to find another location, in which case it cannot be located in any wetland present; or

(*b*) into an area of vegetation located more than 30 m from the littoral zone, such as a field of grasses or forest litter, provided the point of discharge is regularly shifted to a new location.

32. All works used for dewatering or narrowing the littoral zone of a watercourse must be dismantled first by removing the materials situated inside the dewatered area and then advancing from the area downstream of the work towards the upstream area.

DIVISION V
OPERATION AND USE OF VEHICLES AND MACHINERY

33. In the absence of a fording site or works enabling a watercourse to be crossed, a vehicle or machinery may be operated in the littoral zone of a watercourse, if permitted under section 20, on the following conditions:

(1) the operation is limited to only one back-and-forth crossing;

(2) the crossing point minimizes the impacts on the watercourse.

34. Hydraulic fluids and drilling greases used for a drill in the littoral zone or on a lakeshore or riverbank must be degradable to more than 60% in 28 days.

On completion of the work,

(1) all drill holes must be sealed so as to prevent contaminants from migrating from the surface toward an aquifer; and

(2) all tubing located in the littoral zone, on a lakeshore or riverbank, or in a short-term channel migration zone must be removed or severed at ground level.

DIVISION VI
INFRASTRUCTURES, WORKS AND FACILITIES

35. Where carried out by a municipality, a government department or a public body, an access to a littoral zone installed in a body of water must comply with the following conditions:

(1) it must be carried out using one or more of the following means:

(*a*) the management of vegetation;

(*b*) the construction of a stairway or a walkway on pilings;

(*c*) the construction of a slab or stone pathway;

(2) the access must not be more than 5 m wide;

(3) if there is already an access on the lot, the work must not add another one on the same lot; and

(4) the work is carried out so as to forestall sediment movement towards the lake or watercourse.

36. Installation of a culvert must not result in the water level of a watercourse or lake being raised or lowered compared to its initial state, except where required by wildlife development.

37. Construction of permanent works or installation of permanent equipment in the littoral zone of a watercourse must not cause it to be widened beyond the boundary of the littoral zone, unless the purpose of the construction or installation is to restore the natural width of the watercourse or to reduce the embankment slope.

The littoral zone of a watercourse may not be permanently narrowed by more than 20% of its width or, as applicable, by a width greater than the narrowing resulting from works or equipment present in the watercourse at that location, if the narrowing is already greater than 20% of the watercourse width.

Where the work involves the siting of a permanent works or the installation of permanent equipment, the littoral zone of a watercourse may not be permanently narrowed to less than the level of the bankfull discharge.

This section does not apply to culvert lining and sleeving.

38. A waterworks system or sewer system may be sited or extended in a flood zone only in the following cases:

(1) the system is intended to serve an infrastructure or a building that

(*a*) was constructed in the flood zone in which the work is to take place before 23 June 2021; or

(*b*) construction is not prohibited in the flood zone where the work is to take place;

(2) the system is intended to serve an infrastructure, a building or a sector outside a flood zone and it is not possible to avoid crossing a flood zone to connect it;

(3) the work relates to a public road.

The first paragraph also applies in a short-term channel migration zone, with the necessary modifications.

For the purposes of this section,

(1) a reference to a flood zone or a channel migration zone includes any wetland or body of water present; and

(2) a reference to a system does not include the treatment facility.

39. The construction, in a littoral zone, on a lakeshore or riverbank, or in a short-term channel migration zone, of a mains or any other equipment serving a building connected to a waterworks system, sewer system or storm water management system and that is situated within the property line of the building, must comply with one of the following conditions:

(1) the work is carried out only where it cannot be done elsewhere on the lot without encroaching on one of those areas;

(2) the sole purpose of the work is to cross the area or discharge water into that area.

40. The construction of a surface water withdrawal facility in a flood zone must be carried out in such a way that the components of the facility are located underground, for the portion located outside the littoral zone, or placed on the surface temporarily.

For the purposes of this section, the reference to a flood zone includes any wetland or body of water present.

41. The construction of a surface water withdrawal facility intended to supply a temporary industrial camp must comply with the following conditions:

(1) no impounding structure may be installed in a watercourse or lake;

(2) the width of the vegetation management work carried out in a littoral zone or on a lakeshore or riverbank cannot be greater than 5 m;

(3) the pumping equipment must be installed elsewhere than on a lakeshore or riverbank or in the littoral zone, except in the case of a submersible pump.

The quantity of water withdrawn by the water withdrawal facility may not, at any time, exceed 15% of the instantaneous flow of the watercourse or lower the level of a lake by more than 15 cm.

42. A weir must be equipped with a notch and, once installed, must not cause the water level between the areas upstream and downstream of the works to vary by more than 20 cm from the water line.

43. Work on a structure must allow flood water to dissipate.

The erection of a fence in an ice jam flood zone, including any wetland or body of water present, is prohibited.

44. Stabilization works in a flood zone must not result in an increase in the ground level.

For the purposes of the first paragraph, a reference to a flood zone includes any other wetland or body of water present.

45. The construction of a low wall or backfill embankment to flood-proof works or a non-residential building is prohibited.

The prohibition under the first paragraph regarding the construction of a low wall does not apply if the work is carried out in a flood zone to flood-proof works or a non-residential building already present in the flood zone, the adaptation measures set out in sections 55 and 56 cannot be complied with and the construction of a low wall is a measure considered to be appropriate by a professional qualified in the field. In that case, the low wall must comply with the applicable protection objective.

For the purposes of the first paragraph, a reference to a flood zone includes any other wetland or body of water present.

46. The siting of a works, other than works referred to in section 45, intended to protect persons or property against flooding is prohibited, except if the work complies with the following conditions:

(1) it is carried out by a municipality, a government department or a public body;

(2) there is no other way to provide adequate protection for persons and property;

(3) the work is warranted in the public interest, in particular because of the number of persons, infrastructures, buildings or works to be protected;

(4) in the case of the siting of flood protection works, the purpose of the works is to protect a territory in which at least 75% of the lots are occupied by a residential building or a non-residential building.

47. The construction of a parking area must comply with the following conditions:

(1) the parking area must not have an impervious surface

(2) the parking area cannot be underground;

(3) where the construction is carried out in a littoral zone, on a lakeshore or riverbank, or in a short-term channel migration zone,

(*a*) the parking area is necessary for the carrying out of another activity; or

(*b*) it is temporary.

For the purposes of the first paragraph, where the other activity for which the parking area is necessary requires authorization from the Minister pursuant to the Act or is eligible for a declaration of compliance under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), the parking area cannot be constructed before that authorization from the Minister has been obtained or before the expiry of 30 days after the declaration of compliance has been filed, as applicable.

48. The laying out or extension of a public road is prohibited in a littoral zone, on a lakeshore or riverbank, in a short-term channel migration zone, a high-velocity flood zone, a very high flood hazard zone or a high flood hazard zone, except if used to cross a lake or watercourse.

49. Where not prohibited under section 48, the laying out or substantial modification of a road in a very high, high, moderate or low flood hazard zone must respect the original topography of the site.

For the purposes of this section, a reference to a flood zone includes any wetland or body of water present.

DIVISION VII
NON-RESIDENTIAL BUILDINGS

50. This section does not apply to residential buildings.

51. The installation or storage of a seasonal mobile building is prohibited between 1 November and 15 May of each year on a camping ground situated in a littoral zone, a short-term channel migration zone or a flood zone other than a low flood hazard zone or a low-velocity flood zone.

For the purposes of this section, the reference to a flood zone or a channel migration zone includes any wetland or body of water present.

52. The following work is prohibited in a littoral zone or on a lakeshore or riverbank:

(1) the siting of a public institution, a public security establishment or a tourist accommodation establishment;

(2) work to change the use of a building to a public institution, a public security establishment or a tourist accommodation establishment.

53. The following is prohibited in a flood zone:

(1) the siting of a public institution and a public security establishment;

(2) work to change the use of a building to a public institution or a public security establishment.

This section does not apply where the urbanization perimeter of a municipality lies entirely within a flood zone or a channel migration zone and it is shown that the siting or the change of use is necessary.

For the purposes of this section, a reference to a flood zone or a channel migration zone includes any wetland or body of water present.

54. The following work is prohibited in a channel migration zone:

(1) the construction of a public security establishment and a public institution in a short-term channel migration zone;

(2) the siting of a public security establishment and a public institution in a long-term channel migration zone;

(3) work to change the use of a building situated in a channel migration zone to a public institution or a public security establishment.

This section does not apply where the urbanization perimeter of a municipality lies entirely within a flood zone or a channel migration zone and it is shown that the siting or the change of use is necessary.

For the purposes of this section, a reference to a channel migration zone includes any wetland or body of water present.

55. The relocation of a building in a body of water must comply with the following conditions:

(1) where carried out on a lakeshore or riverbank, or in a short-term channel migration zone, it moves the building further from the littoral zone;

(2) where carried out in a flood zone,

(*a*) it moves the building further from the littoral zone; and

(*b*) the relocation is to a new site at an elevation higher than the original site;

(3) where carried out in an ice jam flood zone, the relocation does not increase exposure to ice.

The first paragraph does not apply to the buildings referred to in the first paragraph of section 59 where the work has been authorized, as the case may be, by the Minister of Culture and Communications or by the competent municipality, and a notice signed by a professional shows that the work ensures the safety of persons and property, in particular by the implementation of adaption measures.

56. The construction of a building in a flood zone must comply with the applicable protection objective.

For the purposes of the first paragraph, a reference to a flood zone includes any wetland or body of water present.

57. The siting, reconstruction, extension or relocation of a building in a flood zone and the substantial modification of its foundation must comply with the following adaptation measures, as applicable:

(1) only storage and parking areas are laid out under the applicable protection objective;

(2) openings, such as windows, basement well windows and access doors located in living quarters and areas that are not resistant or resilient to contact with water, must be situated above the applicable protection objective;

(3) drains and vent ducts must be equipped with check valves;

(4) a major component in the building's mechanical system, such as an electrical system, plumbing system, heating system or ventilation system, must be installed under the protection objective unless the nature of the system makes location below that protection objective mandatory, in which case protection measures must be put in place.

For the purposes of the first paragraph, a reference to a flood zone includes any wetland or body of water present.

58. The substantial modification of a building in a flood zone, other than a modification of the foundations, must comply with the following adaptation measures, as applicable:

(1) the ground-level floor must be above the applicable protection objective, except where that is impossible, in which case the following conditions must be complied with:

(*a*) adaptation measures must be put in place;

(*b*) an emergency exit and a refuge area must be provided for and located above the determined protection objective;

(2) the basement, if finished, must be finished using materials having a good overall resilience performance;

(3) drains and vent ducts must be equipped with check valves;

(4) a major component in the building's mechanical system, such as an electrical system, plumbing system, heating system or ventilation system, must be installed above the applicable protection objective or the protection measures put in place must be adopted.

For the purposes of subparagraph 2 of the first paragraph, good overall resilience performance of materials refers to

(1) the capacity of materials to resist water ingress;

(2) the capacity of materials and assemblies to dry and be cleaned; and

(3) the capacity of materials to retain their original size and structural integrity after a flood.

For the purposes of the first paragraph, a reference to a flood zone includes any wetland or body of water present.

59. The adaptation measures set out in sections 57 and 58 do not apply to the following buildings where a notice, signed by a professional, shows that the measures affect the heritage interest of the immovable and that the other proposed measures offer equivalent protection for persons and property:

(1) a recognized or classified heritage immovable;

(2) an immovable situated in a recognized, classified or declared heritage site under the Cultural Heritage Act (chapter P-9.002); or

(3) an immovable in the inventory made pursuant to section 120 of the Cultural Heritage Act and that was in the inventory before the date of the flood.

For the purposes of the first paragraph, the work must have been authorized, as the case may be, by the Minister of Culture and Communications or by the competent municipality.

60. Despite any contrary provision, work to upgrade to the standards applicable under the Construction Code (chapter B-1.1, r. 2) is not prohibited.

DIVISION VIII
FOREST DEVELOPMENT ACTIVITIES

61. Harvesting of trees carried out as part of a forest development activity in a littoral zone, on a lakeshore or riverbank, or in short-term channel migration zone must comply with the following conditions:

(1) in a littoral zone, harvesting must be done so as to maintain at least 50% of the forest cover;

(2) on a lakeshore or riverbank and in a short-term channel migration zone, harvesting must be done so as to maintain at least 40% of the forest cover;

(3) harvesting must be carried out with the trees left standing being uniformly spaced.

Subparagraph 3 of the first paragraph does not apply where the harvest results from the occurrence of a natural disturbance and involves more than 60% of trees measuring more than 10 cm in diameter. In such a case, if the surface area to be harvested is greater than 1,000 m^2, the harvest must be recommended in a sylvicultural prescription.

The sylvicultural prescription referred to in the second paragraph must be kept by the person that carries out the activity for 5 years and be provided to the Minister on request, within the time and in compliance with any other terms the Minister determines.

DIVISION IX
CULTIVATION OF NON-AQUATIC PLANTS AND MUSHROOMS

62. The cultivation of non-aquatic plants and mushrooms is prohibited in a littoral zone and in a 3-metre wide strip alongside the littoral zone, except if, for the portion in the littoral zone, cultivation is eligible for a declaration of compliance under section 339 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), in which case the cultivation in the littoral zone and in the 3-metre wide strip alongside the littoral zone must comply with the following conditions:

(1) a vegetation strip comprising perennial plants is present over a distance of at least 5 m on each side of the watercourses and at least 3 m on each side of the ditches, including a width of at least 1 m on the top of the bank, where applicable, inside which only the following activities are permitted:

(*a*) seeding and planting of plants to ensure the presence of the vegetation strip;

(*b*) picking and maintenance pruning;

(*c*) mowing, which may be performed only after 15 August each year and on condition that, by 1 November each year, the plants are at least 30 cm tall;

(2) on 1 December each year, the soil of the areas cultivated in the littoral zone by an operator must be entirely covered by rooted vegetation;

(3) at least 10% of the area cultivated in the littoral zone by an operator must be planted with perennial plants.

For the purposes of subparagraph 2 of the first paragraph, wide-row crops such as corn and soy are not considered to be a form of vegetation that covers the soil entirely unless they are combined with intercropping.

As of 1 January 2025, subparagraph 2 of the first paragraph must be applied to 40% of the areas cultivated by an operator. The percentage must increase by 10% each year until all cultivated areas are covered.

For the purposes of subparagraph 3 of the first paragraph, the vegetation strip referred to in subparagraph 1 of the first paragraph may be considered to be a cultivated area in calculating the area cultivated with perennial plants.

63. The cultivation of non-aquatic plants and mushrooms in the portion of a lakeshore or riverbank not covered by the first paragraph of section 62 is prohibited, except where it is carried out in accordance with section 341.9 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).

CHAPTER IV
SPECIAL STANDARDS APPLICABLE TO WETLANDS

DIVISION I
GENERAL

64. This Chapter applies to wetlands.

65. Races, rallies and other motorized vehicle competitions are prohibited in wetlands.

DIVISION II
INFRASTRUCTURES, WORKS AND BUILDINGS

66. Before construction is undertaken on a temporary road in an open peatland not covered by section 68, a plan for its construction must be prepared and signed by an engineer.

The plan must be kept by the person that carries out the activity for 5 years and be provided to the Minister on request, within the time and in compliance with the terms the Minister determines.

DIVISION III
FOREST DEVELOPMENT ACTIVITIES

67. Tree harvesting in a forested wetland as part of a forest development activity must be carried out in such a way as to maintain a forest cover composed of trees with an average height of at least 4 m over at least 30% of the total surface area of all the forested wetlands in a private forest constituting a unit of assessment within the meaning of the Act respecting municipal taxation (chapter F-2.1).

For tree harvesting targeting more than 50% of the trees measuring at least 10 cm in diameter in a forested wetland, the person who carries out the harvest must maintain a forested strip at least 60 m wide between the different harvest areas. In the strip, no work may be carried out until such time as the trees have reached an average height of 4 m in the adjacent harvest areas, except where the work is undertaken solely for the purpose of providing a crossing between harvest areas. Unless it is recommended in a sylvicultural prescription, such a harvest is limited to

(1) 4 ha per harvest area in the St. Lawrence lowlands; and

(2) 25 ha per harvest area in any other territory.

This section does not apply to tree harvesting carried out for the purpose of recovering timber following a natural disturbance.

68. The following forest development activities must be recommended in a sylvicultural prescription:

(1) tree harvesting in forested wetlands over a surface area exceeding the surface areas referred to in subparagraphs 1 and 2 of the second paragraph of section 67;

(2) site preparation by mechanized scarification in forested wetlands over a surface area of more than 4 ha per intervention area;

(3) construction of a temporary road in an open peatland;

(4) roadside construction of a ditch to a depth greater than 1 m below the surface of the litter layer;

(5) construction of a road longer than 120 m in a forested wetland and longer than 35 m in any other wetland.

The sylvicultural prescription must be kept by the person who carries out the activity for 5 years and be provided to the Minister on request, within the time and in compliance with the terms the Minister determines.

CHAPTER V
SPECIAL STANDARDS APPLICABLE TO CERTAIN SENSITIVE AREAS

DIVISION I
DUNES AND BEACHES

69. For the purposes of this section, a reference to a beach excludes a littoral zone or a lakeshore or riverbank.

70. Races, rallies and other motorized vehicle competitions are prohibited on dunes and beaches.

71. The operation of motorized vehicles on dunes and beaches is permitted only in the following cases:

(1) on trails lawfully developed and identified for that purpose situated in the territory of the Îles-de-la-Madeleine;

(2) the operation is required to carry out work.

DIVISION II
ALVARS

72. Races, rallies and other motorized vehicle competitions are prohibited on alvars.

73. The operation of motorized vehicles on alvars is permitted only in the following cases:

(1) off-road vehicles in winter with snow or ice cover, so as not to create ruts;

(2) the operation is required to access a property;

(3) the operation is required to carry out work.

DIVISION III
ENVIRONMENTS NEAR A WETLAND OR BODY OF WATER

74. Activities consisting in composting the carcasses of animals that die on a farm and storing the compost produced are prohibited within 60 m of a watercourse or lake and within 30 m of a wetland.

75. Where work is carried out near a wetland or a body of water, measures to control erosion and the emission of sediments and suspended matter must be put in place to prevent sediments and suspended matter from reaching surface water and wetlands.

CHAPTER VI
MONETARY ADMINISTRATIVE PENALTIES

76. A monetary administrative penalty of $250 in the case of a natural person and $1,000 in other cases may be imposed on every person who

(1) fails to keep information or a document or to keep it for the period prescribed under this Regulation;

(2) fails to provide information or a document to the Minister or to provide it within the time and in the manner and form determined by the Minister under this Regulation; or

(3) fails to comply with a provision of this Regulation, for which no other monetary administrative penalty is otherwise provided for such a failure.

77. A monetary administrative penalty of $500 in the case of a natural person and $2,500 in other cases may be imposed on every person who

(1) fails to carry out work in wetlands and bodies of water in compliance with section 9;

(2) constructs a basin, pond or artificial lake, or backfills it before it has been dewatered, in contravention of section 11;

(3) in carrying out an intervention in wetlands and bodies of water, interferes with the free flow of water, in contravention of the first paragraph of section 13;

(4) on completion of an activity in wetlands and bodies of water, fails to apply the measures required by section 14;

(5) fails to revegetate the area in compliance with section 16;

(6) seeds or plants invasive exotic plant species, in contravention of section 17;

(7) removes stumps in a littoral zone, on a lakeshore or riverbank, or in short-term channel migration zone or wetland, in contravention of section 18;

(8) fails to comply with the conditions in section 20 for the operation of vehicles or machinery in wetlands and bodies of water;

(9) fails to comply with the conditions in section 21 for the refuelling and maintenance of vehicles or machinery in wetlands and bodies of water;

(10) carries out sylvicultural treatments while failing to encourage the natural regeneration of the vegetation or fails to reforest the area within 4 years after the end of the treatments, in contravention of section 22;

(11) buries invasive exotic plant species, in contravention of section 27;

(12) fails to comply with the conditions in section 33 for machinery or vehicle operation in the littoral zone of a watercourse;

(13) fails to comply with the conditions in section 34;

(14) fails to comply with the conditions in section 35 for the installation of an access to the littoral zone in a body of water;

(15) fails to comply with the conditions in section 36 for the installation of a culvert;

(16) fails to comply with the conditions in section 39 for the construction of a mains or any other equipment concerned;

(17) fails to comply with the conditions in section 40 for the construction of a surface water withdrawal facility;

(18) fails to comply with the conditions in section 41 for the construction of a surface water withdrawal facility intended to supply a temporary industrial camp;

(19) fails to comply with the conditions in section 42 in respect of the equipping and installation of a weir;

(20) harvests trees in contravention of the first paragraph of section 61 and section 67;

(21) fails to obtain a sylvicultural prescription, in contravention of the second paragraph of section 61 and the first paragraph of section 68;

(22) fails to comply with the conditions in the first paragraph of section 66 for the construction of a temporary road; or

(23) fails to put in place the control measures set out in section 75 when work is carried out near a wetland or a body of water.

78. A monetary administrative penalty of $1,500 in the case of a natural person and $7,500 in other cases may be imposed on every person who

(1) carries out an activity that is prohibited, in contravention of section 10, 12, 23 or 38, the second paragraph of section 43, the first paragraph of section 45, section 46, 48, sections 51 to 54, section 63, 65 or sections 70 to 74;

(2) fails to carry out soil restoration in compliance with section 15;

(3) carries out vegetation management work, in contravention of section 25;

(4) fails to comply with the conditions in section 26 concerning the cutting of vegetation required in bodies of water to carry out maintenance work on a watercourse;

(5) fails to comply with the conditions in section 28 for maintenance work on a watercourse;

(6) dewaters or narrows a watercourse contrary to sections 30,31 and 32;

(7) carries out work that widens or narrows the littoral zone of a watercourse, in contravention of section 37;

(8) carries out work on a structure, in contravention of the first paragraph of section 43;

(9) carries out work on works or a building contrary to the conditions in section 44 or sections 55 to 58;

(10) fails to comply with the conditions in the second paragraph of section 45 for the construction of a wall;

(11) fails to comply with the conditions in section 47 for the construction of a parking area;

(12) lays out or substantially modifies a road, in contravention of section 49; or

(13) cultivates non-aquatic plants and mushrooms in a littoral zone or in a 3-metre wide strip alongside the littoral zone, in contravention of section 62.

79. A monetary administrative penalty of $2,000 in the case of a natural person and $10,000 in other cases may be imposed on every person who

(1) carries out excavation or backfilling work in wetlands and bodies of water, in contravention of the first paragraph of section 19; or

(2) fails to comply with the conditions in the third and fourth paragraphs of section 19 concerning excavation and backfilling work resulting from the activities concerned.

CHAPTER VII
PENAL PROVISIONS

80. Every person who

(1) refuses or neglects to keep information or a document or to keep it for the prescribed period;

(2) refuses or neglects to provide information or a document to the Minister or to provide it within the time and in the manner and form the Minister determines; or

(3) contravenes this Regulation in cases where no other offence is prescribed,

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

81. Every person who contravenes section 9 or 11, the first paragraph of section 13, section 14, sections 16 to 18, 20 to 22, section 27, sections 33 to 36, 40 to 42, the first or second paragraph of section 61, the first paragraph of section 66, section 67, the first paragraph of section 68 or section 75 commits an offence and is liable, in the case of a natural person, to a fine of $2,500 to $250,000 and, in other cases, to a fine of $7,500 to $1,500,000.

82. Every person who

(1) makes a false or misleading declaration or provides false or misleading information or documents for the purpose of making the person's activity eligible for a declaration of compliance; or

(2) signs a false or misleading document,

commits an offence and is liable, in the case of a natural person, to a fine of $5,000 to $500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment and, in other cases, to a fine of $15,000 to $3,000,000.

83. Every person who contravenes section 10, 12, 15, 23, 26, 28, sections 30 to 32, section 37, 38, sections 43 to 49, 51 to58, section 62,63, 65, or sections 70 to74 commits an offence and is liable, in the case of a natural person, to a fine of $8,000 to $500,000 and, in other cases, to a fine of $24,000 to $3,000,000.

84. Every person who contravenes the first, third or fourth paragraph of section 19 commits an offence and is liable, in the case of a natural person, to a fine of $10,000 to $1,000,000 and, in other cases, to a fine of $30,000 to $6,000,000.

CHAPTER VIII
FINAL PROVISIONS

85. This Regulation replaces the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1).

86. This Regulation comes into force on (*insert the date that occurs 180 days after the date of publication of the Regulation in the Gazette officielle du Québec*), except subparagraphs 1 and 3 of the first paragraph of section 62 and the fourth paragraph, which come into force on 1 March 2027.

SCHEDULE I
(Section 4)

BOUNDARY OF THE LITTORAL ZONE

The boundary of the littoral zone is determined based on various factors such as the presence of a works or special ecological conditions.

The following methods must be used in the order determined below, according to the cases described:

(1) the eco-geomorphological method must be used for coasts and islands in the following places:

(*a*) the Gulf of St. Lawrence;

(*b*) the baie des Chaleurs;

(*c*) the rivière Saguenay within the boundaries of the Saguenay–St. Lawrence Marine Park;

(*d*) the portion of the St. Lawrence River downstream of the territories of the municipalities of Saint-Louis-de-Gonzague-du-Cap-Tourmente, Saint-Vallier and Saint-François-de-l'Île-d'Orléans;

(2) in the presence of a water retaining structure greater than 1 m in height, the boundary of the littoral zone is situated at the operating level of the hydraulic structure for the part of the body of water upstream from the structure, within its zone of influence;

(3) where the 2 year flood recurrence level has been established under subdivision 2 of Division V.1 of Chapter IV of Title 1 of the Act, the boundary of the littoral zone is determined using that recurrence level;

(4) where plant species are present, the botanical method must be used;

(5) in other cases, the boundary of the littoral zone must be determined by hydraulic modelling of the 2 year flood recurrence level.

The first paragraph does not operate to modify the boundary of the littoral zone of the St. Lawrence River situated in the territory of Municipalité régionale de comté de La Côte-de-Beaupré applicable under the Act to delimit the high water mark of the St. Lawrence River in the territory of Municipalité régionale de comté de La Côte-de-Beaupré (S.Q. 1999, c. 84).

SCHEDULE II
(Section 4)

FLOOD ZONE WHOSE BOUNDARIES ARE DETERMINED ON ANOTHER BASIS

In the absence of a flood zone established pursuant to sections 46.0.2.1 to 46.0.2.3 of the Act, the flood zones are those whose boundaries on 25 March 2021 have been established using one of the following means:

(1) a map approved under an agreement on mapping and flood zone protection between the Gouvernement du Québec and the Government of Canada;

(2) a map published by the Gouvernement du Québec;

(3) a map integrated into a land use and development plan or an interim control by-law;

(4) the 20 year or 100 year, or both, flood recurrence levels established by the Gouvernement du Québec;

(5) the 20 year or 100 year, or both, flood recurrence levels referred to in a land use and development plan or an interim control by-law;

(6) any perimeter indicated on a map referred to in Schedule 2 to Order in Council 817-2019 dated 12 July 2019, as amended by Order in Council 1260-2019 dated 18 December 2019 and by orders of the Minister of Municipal Affairs and Housing dated 2 August 2019, 23 August 2019, 25 September 2019, 23 December 2019 and 12 January 2021, excluding the territories listed in Schedule 4 to Order in Council 817-2019 dated 12 July 2019.

In the event of a conflict in the application of the Àvarious means referred to in subparagraphs 1 to 5 of the first paragraph, the boundaries of a flood zone are established according to the most recent of those means and, secondarily, according to the most recent flood elevation.

Despite the first paragraph, the boundaries of the flood zones established on a map integrated into a land use and development plan or an interim control by-law between 25 March 2021 and 23 June 2021 are recognized.

SCHEDULE III
(Sections 45, 57 and 58)

PROTECTION OBJECTIVES

PROTECTION OBJECTIVES APPLICABLE IN A FLOOD ZONE WHOSE BOUNDARIES ARE ESTABLISHED UNDER SUBDIVISION 2 OF DIVISION V.1 OF CHAPTER IV OF TITLE I OF THE ACT

1. The protection objective is the level of safety sought for the ground-level floors for buildings or the highest level of works so as to minimize the risks of damage in the event of a flood. It is determined on the basis of the 350 year flood recurrence level established by the Gouvernement du Québec. There are 3 protection levels, shown in the following table.

Protection objectives		
Maximum	**Moderate**	**Minimum**
45 cm above the 350 year flood recurrence level	15 cm above the 350 year flood recurrence level	the 350 year flood recurrence level

2. The table below assigns to each activity a protection level to be complied with, as applicable.

Activities	Protection level
Building other than a public institution or a public security establishment	Moderate
Correctional facility	Maximum
Educational institution	Moderate
Health and social services institution	Maximum
Public security establishment	Maximum
Tourist establishment	Maximum
Protective bankfill embankment	Minimum

PROTECTION OBJECTIVES APPLICABLE IN A FLOOD ZONE WHOSE BOUNDARIES ARE ESTABLISHED UNDER SCHEDULE II

3. The protection objective is the level of safety sought for the ground-level floors for buildings or the highest level of works so as to minimize the risks of damage in the event of a flood. The objectives are determined on the basis of the 100 year flood recurrence level established using one of the means referred to in subparagraphs 3 and 4 of Schedule II or, if that recurrence level has not been established, it is replaced by the highest level of flood water attained that was used as a reference to establish the flood zone boundary pursuant to Schedule II. There are two protection levels, shown in the following table.

Protection objectives		
Maximum	**Moderate**	**Minimum**
60 cm above the 100 year flood recurrence level	30 cm above the 100 year flood recurrence level	the 100 year flood recurrence level

4. The table below assigns to each activity a protection level to be complied with, as applicable.

Activities	Protection level
Building other than a public institution or a public security establishment	Moderate
Correctional facility	Maximum
Educational institution	Moderate
Health and social services institution	Maximum
Public security establishment	Maximum
Tourist establishment	Maximum
Protective bankfill embankment	Minimum

Regulation to amend the Regulation respecting compensation for adverse effects on wetlands and bodies of water

Environment Quality Act
(chapter Q-2, s. 46.0.5, 1st par., subpar 4, 2nd par., and s. 46.0.22, pars. 1, 5, 6 and 7)

1. The Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1) is amended in the second paragraph of section 4

(1) by replacing subparagraph 1 by the following:

"(1) the terms "body of water", "channel migration zone", "forested wetland", "flood zone", "high-velocity flood zone", "lakeshore" and "riverbank", "littoral zone", "low-velocity flood zone", "open peatland", "open wetland", "watercourse" and "wetland" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(1.1) the "long-term channel migration zone", "low flood hazard zone", "moderate flood hazard zone" and "short-term channel migration zone" are the zones provided for in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas;";

(2) by replacing "paragraphs 1 to 4" in subparagraph 2 by "paragraphs 1 to 7".

2. Section 5 is amended by replacing subparagraph 3 of the first paragraph by the following:

"(3) work carried out in

(*a*) a low-velocity flood zone;

(*b*) a moderate flood hazard zone;

(*c*) a low flood hazard zone;

(*d*) a long-term channel migration zone;".

3. Section 9 is amended

(1) by inserting "or the long-term channel migration zone" after "zone" in paragraph 3;

(2) by adding the following at the end:

"(4) in the short-term channel migration zone of a lake or a watercourse, in accordance with the parameters provided for in Schedule III applicable to the short-term channel migration zone and at the value of factor "R" determined in Schedule IV applicable to a body of water.".

4. Section 10 is amended in the first paragraph

(1) by inserting ", in a channel migration zone" after "wetland" in subparagraph *a* of subparagraph 6;

(2) by inserting ", in a channel migration zone" after "wetland" in subparagraph *b* of paragraph 6;

(3) by inserting "in a channel migration zone or" after "work" in paragraph 7.

5. Schedule III to the Regulation is replaced by the following:

"**SCHEDULE III**
(Sections 6 and 9)

ADVERSE EFFECTS ON BODIES OF WATER – DETERMINATION OF THE VALUE OF FACTORS "$I_{f\,INI}$" AND "NI"

DIVISION I
INITIAL STATE OF THE BODY OF WATER

§ 1 — The littoral zone

1. The factor representing the initial state of the portion of the littoral zone affected by the activity "$I_{f\,INI}$" is

(1) in the part of a watercourse following the bed of a ditch, set at 1;

(2) in the part of a watercourse whose geometry has already been modified in accordance with an agreement, municipal by-law or authorization, set at 1.2;

(3) in all other cases, set at 1.5.

§ 2 — The lakeshore or riverbank

2. The factor representing the initial state of the portion of the lakeshore or riverbank affected by the activity "$I_{f\,INI}$" is determined according to the table below. The factor corresponds to the dominant state.

Where none of the situations described in the table applies, the factor "$I_{f\,INI}$" is set at 1.2. The same applies where it is not possible to determine the initial state of an environment.

Initial state of the portion of the lakeshore or riverbank affected by the activity		
Undegraded $I_{f\,INI} = 1.2$	**Degraded** $I_{f\,INI} = 1$	**Very degraded** $I_{f\,INI} = 0.8$
Soil or vegetation in its natural state over more than 66% of the affected portion of the lakeshore or riverbank OR Soil vegetated by planting or by seeding, excluding cut herbaceous vegetation, over more than 66% of the affected portion of the lakeshore or riverbank	Herbaceous vegetation cut over more than 33% of the affected portion of the lakeshore or riverbank	Disturbed soil or vegetation absent over more than 66% of the affected portion of the lakeshore or riverbank

§ 3 — The flood zone

3. The factor representing the initial state of the portion of the flood zone affected by the activity "$I_{f\,INI}$" is determined according to the table below. The factor corresponds to the dominant state.

Where none of the situations described in the table applies, the factor "$I_{f\ INI}$" is set at 1. The same applies where it is not possible to determine the initial state of an environment.

Initial state of the portion of the flood zone affected by the activity		
Undegraded **$I_{f\ INI}$ = 1**	**Degraded** **$I_{f\ INI}$ = 0.6**	**Very degraded** **$I_{f\ INI}$ = 0.3**
Soil or vegetation in its natural state over more than 66% of the affected portion of the flood zone OR Soil vegetated by planting or by seeding, excluding cut herbaceous vegetation, over more than 66% of the affected portion of the flood zone	Soil that is disturbed, but not backfilled, over more than 33% of the affected portion of the flood zone OR Herbaceous vegetation cut over more than 33% of the affected portion of the flood zone	Vegetation absent over more than 66% of the affected portion of the flood zone OR Filling over more than 33% of the affected portion of the flood zone

§ 4 — The short-term channel migration zone

3.1 The factor representing the initial state of the portion of the short-term channel migration zone affected by the activity "$I_{f\ INI}$" is determined according to the table below. The factor corresponds to the dominant state.

Where none of the situations described in the table applies, the factor "$I_{f\ INI}$" is set at 1.2. The same applies where it is not possible to determine the initial state of an environment.

Initial state of the portion of the short-term channel migration zone affected by the activity		
Undegraded **$I_{f\ INI}$ = 1.2**	**Degraded** **$I_{f\ INI}$ = 1**	**Very degraded** **$I_{f\ INI}$ = 0.8**
Soil or vegetation in its natural state over more than 66% of the affected portion of the short-term channel migration zone OR Soil vegetated by planting or by seeding, excluding cut herbaceous vegetation, over more than 66% of the affected portion of the short-term channel migration zone	Herbaceous vegetation cut over more than 33% of the affected portion of the short-term channel migration zone	Disturbed soil or vegetation absent over more than 66% of the affected portion of the short-term channel migration zone

DIVISION II
IMPACT OF THE ACTIVITY ON THE BODY OF WATER

§ 1 — The littoral zone

4. The factor representing the impact of the activity on the portion of the littoral zone affected by the activity "NI" is determined according to the table below. The factor is the factor that corresponds to the component of the littoral zone for which the impact is the most significant.

Impact of the activity on the portion of the littoral zone affected by the activity			
Components	**Low NI = 0.7**	**High NI = 0.3**	**Very high NI = 0**
Biological	Plant associations or aquatic macrophyte stands destroyed over less than 20% of its total area	Plant associations or aquatic macrophyte stands destroyed over 20% to 75% of its total area	Plant associations or aquatic macrophyte stands destroyed over more than 75% of its total area OR Destruction, even partial, of spawning areas
Soil	Digging or dredging over a distance of less than 5 times the width of the watercourse and not more than 30 m OR Presence of a stabilization work for the catchment of sediments in the affected portion of the littoral zone of the lake or watercourse OR Presence of a stabilization work in a gentle slope for the dissipation of the energy of the waves from the St. Lawrence Estuary, the Gulf of St. Lawrence or the seas surrounding Québec OR Presence of a mechanical stabilization work using inert woody materials	Digging or dredging over a distance of 5 to 10 times the width of the watercourse and not more than 60 m OR Digging or dredging in the St. Lawrence Estuary, the Gulf of St. Lawrence or the seas surrounding Québec OR Discharge in open water of dredged sediments	Digging or dredging over a distance of more than 10 times the width of the watercourse or more than 60 m OR Digging or dredging in the littoral zone of the lake OR Natural substratum removed over more than 20% of the affected portion of the littoral zone of the lake or watercourse OR Modification of the longitudinal slope or fluvial style of the affected portion of the littoral zone of the watercourse OR Presence of any stabilization work not described in this table OR Channelling, even partial, of the affected portion of the littoral zone of the lake or watercourse
Water	Filling carried out over a distance of not more than 5 times the width of the watercourse and not more than 30 m	Filling over a distance of more than 5 times the width of the watercourse or more than 30 m OR Filling carried out in the St. Lawrence Estuary, the Gulf of St. Lawrence or the seas surrounding Québec	Filling reducing by more than 20% the width of the watercourse OR Presence of an infrastructure, work or building, other than a stabilization work, in the littoral zone of the lake or watercourse OR Filling carried out in the littoral zone of the lake

5. Any filling carried out over the entire width of the littoral zone of a watercourse that operates to eliminate the flow of water, increases the value of the factor ΔI_f by 1.

6. Any transversal infrastructure, work or building that prevents the free movement of fish or bottom sediments in the littoral zone of a lake or watercourse, increases the value of the factor ΔI_f by 0.5.

§ 2 — The lakeshore or riverbank

7. The factor representing the impact of the activity of the portion of the lakeshore or riverbank affected by the activity "NI" is determined according to the table below. Where the activity has different impacts, the applicable factor is the factor that corresponds to the most significant impact.

Where none of the situations described in the table applies, the impact used to determine factor "NI" is "Low".

Impact of the activity on the portion of the lakeshore or riverbank affected by the activity		
Low **NI = 0.7**	**High** **NI = 0.3**	**Very high** **NI = 0**
Vegetation destroyed over less than 20% of the affected portion of the lakeshore or riverbank	Vegetation destroyed over 20% to 75% of the affected portion of the lakeshore or riverbank OR Filling carried out over 20% or more of the affected portion of the lakeshore or riverbank OR Presence of an infrastructure, work or building over less than 20% of the affected portion of the lakeshore or riverbank	Vegetation destroyed over more than 75% of the affected portion of the lakeshore or riverbank OR Presence of a structure or work over 20% or more of the affected portion of the lakeshore or riverbank

§ 3 — The flood zone

8. The factor representing the impact of the activity over the portion of the flood zone affected by the activity "NI" is determined according to the table below. Where the activity has different impacts, the applicable factor is the factor that corresponds to the most significant impact.

Impact of the activity on the portion of the flood zone affected by the activity		
Low **NI = 0.7**	**High** **NI = 0.3**	**Very high** **NI = 0**
Vegetation destroyed over less than 20% of the affected portion of the flood zone	Vegetation destroyed over 20% to 75% of the affected portion of the flood zone	Vegetation destroyed over more than 75% of the affected portion of the flood zone OR Presence of an infrastructure, work, building or filling in the affected portion of the flood zone

§ 4 — The short-term channel migration zone

9. The factor representing the impact of the activity over the portion of the short-term channel migration zone affected by the activity "NI" is determined according to the table below. Where the activity has different impacts, the applicable factor is the factor that corresponds to the most significant impact.

Where none of the situations described in the table applies, the impact used to determine factor “NI” is “Low”.

Impact of the activity on the portion of the short-term channel migration zone affected by the activity		
Low **NI = 0.7**	**High** **NI = 0.3**	**Very high** **NI = 0**
Vegetation destroyed over less than 20% of the affected portion of the short-term channel migration zone	Vegetation destroyed over 20% to 75% of the affected portion of the short-term channel migration zone OR Filling carried out over 20% or more of the affected portion of the short-term channel migration zone OR Presence of an infrastructure, work or building over less than 20% of the affected portion of the short-term channel migration zone	Vegetation destroyed over more than 75% of the affected portion of the short-term channel migration zone OR Presence of a structure or work over 20% or more of the affected portion of the short-term channel migration zone

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6. Every application for the issuance, amendment or renewal of an authorization filed with the Minister under the Environment Quality Act (chapter Q-2) that is pending on (*insert the date of coming into force of the Regulation*) is continued and decided in accordance with the Regulation as amended by this Regulation.

7. This Regulation comes into force on (*insert the date occurring 180 days after the date of publication of the Regulation in the Gazette officielle du Québec*).

Flood Protection Works Regulation

Environment Quality Act
(chapter Q-2, s. 46.0.21, 2nd par., s. 46.0.22, 1st par., subpars. 6, 8, 9, 10, 12, 15 and 16, s. 95.1, 1st par., subpars. 7, 13, 16, 20, 21, 25.1 and 2nd par., s. 124.1; 2021, chapter 7, s. 91)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, ss. 30, 1st par. and 45, 1st par.)

CHAPTER I
GENERAL

1. This Regulation applies to all works satisfying the following conditions:

(1) the works was built or modified to limit the natural expansion of lake or watercourse waters and to prevent flooding;

(2) the works was built to be permanent;

(3) the works is designed to protect persons and property;

(4) the works is intended to serve the public interest;

(5) the works does not create a permanent reservoir.

The following are not flood protection works to which this Regulation applies:

(1) dams subject to the Dam Safety Act (chapter S-3.1.01);

(2) ice control works that help to minimize flooding;

(3) storm water management works;

(4) agricultural dikes, including a sluice, that protect against flooding only of land subject to the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

(5) stabilization works within the meaning of section 313 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(6) retaining walls;

(7) works built for purposes other than to prevent flooding and not converted with a view to flood protection.

This Regulation applies in reserved areas and agricultural zones established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

2. For the purposes of this Regulation,

(1) the flood protection works extend over a distance of 3 m from the downstream toe and upstream toe, calculated from the works;

(2) all ancillary works, buildings and equipment necessary for the proper operation of flood protection works, including those described in paragraph 3, form part of the works;

(3) the presence of removable elements does not alter the permanent character of the flood protection works;

(4) every composite of works, infrastructures and elements of the environment, continuous or discontinuous, forming consistent protection of a territory and at least one part of which meets the conditions in the first paragraph of section 1 is considered to be flood protection works;

(5) the construction of an infrastructure, works, building or equipment consists in its siting, which includes conversion, as well as its replacement, reconstruction, substantial modification, relocation and any activity preliminary to management of vegetation, and minor soil grading; it also includes dismantling;

(6) the maintenance of an infrastructure, works, building or equipment consists in inspecting, restoring and repairing it and is carried out in the immediate vicinity of the infrastructure, works, building or equipment;

(7) substantial modification consists in a change to the structural or functional characteristics of an infrastructure, works, building or equipment and includes an enlargement, extension or prolongation; in the case of flood protection works, it also includes the raising, lowering or shortening of the works;

(8) unless otherwise provided, siting includes the conversion of any structure into flood protection works;

(9) management of vegetation includes cutting, pruning, removing, planting and seeding vegetation; and

(10) minor soil grading involves leveling soil to create a uniform surface, free from depressions and irregularities, limiting fill and excavation to a maximum of 30 cm;

3. For the purposes of this Regulation, unless the context indicates otherwise,

"actual protection level" means, if the flood protection works borders a lake, the water level, expressed in metres, at which an overflow or bypass cannot occur, and a rupture of the works is unlikely; if known, a recurrence interval level may be associated. For flood protection works bordering a watercourse, the actual protection level is expressed as a flow rate in cubic metres per second and is represented by a longitudinal profile of the water levels associated with the protection level; (*niveau de protection réel*)

"apparent protection level" means, if the flood protection works borders a lake, the water level, expressed in metres, at which an overflow or bypass occurs, and the associated recurrence interval. For flood protection works bordering a watercourse, the apparent protection level is expressed as a flow rate in cubic metres per second and is represented by a longitudinal profile of the water levels associated with the protection level; (*niveau de protection apparent*);

"building" means a fixed, mobile or floating structure having a roof and used or intended to be used to shelter, house or receive persons, animals, foodstuffs or any other thing; (*bâtiment*)

"downstream" means the side of flood protection works facing persons or property the works is intended to protect from flooding; (*aval*)

"exposed zone" means the area downstream of flood protection works that is likely to be flooded if a failure, overflow or bypass of the works occurs during a flood period; (*zone exposée*)

"freeboard" means the vertical distance between the design flood level elevation and the crest elevation of the flood protection works; (*revanche hydraulique*)

"neutralization" means an action consisting in re-establishing a permanent hydraulic link between the lake or the watercourse and the wetland or body of water downstream of the works to allow for flood expansion behind the works, without dismantling the works; (*neutralisation*)

"non-residential building" means any building other than a residential building or a building accessory to a residential building; (*bâtiment non résidentie*l)

"public body" means a body to which the Government or a minister appoints the majority of the members, to which, by law, the personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1), or at least half of whose capital stock is derived from the Consolidated Revenue Fund; (*organisme public*)

"residential building" means a building at least one part of which is used or intended to be used as a main or secondary private residence by a natural person, including when the residence is occasionally offered for rent to tourists; (*bâtiment résidentiel*)

"segment" means a part of the flood protection works whose physical and structural characteristics or the characteristics of the environment where it is situated differ from those of the adjacent part or parts; (*tronçon*)

"toe of flood protection works" means the point of intersection of the flood protection works with the natural terrain surface; (*pied d'un ouvrage de protection contre les inondations*)

"upstream" means the side of flood protection works facing a lake or watercourse whose natural expansion the works is designed to limit. (*amont*)

CHAPTER II
STUDIES AND SPECIFIC FLOOD PROTECTION WORKS PLAN

4. For the purposes of this Chapter, a local municipality may enter into an agreement with any municipality within the meaning of the Environment Quality Act (chapter Q-2), hereafter "the Act", to have that municipality conduct the required study, in keeping with applicable law. If such an agreement is entered into, a notice to that effect must be sent to the Minister.

DIVISION I
CHARACTERIZATION STUDY OF FLOOD PROTECTION WORKS

5. Every local municipality that has flood protection works situated entirely or partly in its territory must conduct a characterization study in accordance with this Division for each such works. The main purpose of the study is to compile information regarding the flood protection works and to determine the exposed zone of the works.

If the works consists of a composite of works, infrastructures and elements of the environment, the study must cover that composite.

The local municipality must conduct a characterization study at least once every 10 years and send a copy to the Minister before the end of the calendar year in which the study is conducted.

For flood protection works situated in the territory of more than one local municipality, only one study need be conducted.

6. The characterization study of the flood protection works must contain the following information and documents:

(1) a general description of the flood protection works;

(2) the location of the flood protection works and its boundaries;

(3) a history of actions carried out on the flood protection works;

(4) a review of the information available concerning the flood protection works, in particular design and refurbishing studies and documents;

(5) the results of the visual inspection;

(6) the apparent protection level of the flood protection works and a recommendation by the authorities for the mobilization thresholds, and the warning thresholds for the specific flood protection works plan;

(7) identification of hazards other than high water that may create risks for the safety of the flood protection works;

(8) a description of the entry access and roadways allowing the flood protection works to be monitored and maintained and enabling timely response to an emergency;

(9) determination of the maximum boundaries of the exposed zone of the works;

(10) identification and characteristics of the vulnerable elements in the exposed zone of the works;

(11) a non-technical summary;

(12) the elements enabling the local municipality to prepare the specific flood protection works plan;

(13) any other recommendation considered relevant.

The characterization study must be signed by an engineer and be accompanied by a technical description drawn up by a land surveyor. The technical description must include a plan showing

(1) the site of the works;

(2) the presence of any element encroaching on the flood protection works, including infrastructures, works and buildings;

(3) the site of existing servitudes; and

(4) the elevation of the works, the location of its crest and its upstream and downstream toes.

The characterization study must be accompanied by the digital files of the technical description.

7. The boundaries of the flood protection works must be established on the basis of the following elements:

(1) a typographical survey carried out using the NAD83 geodetic reference system, the data including the works' toes and crest;

(2) the elevation profiles of the crest and of the upstream and downstream toes of each segment;

(3) the maximum and average height of each segment on the downstream side, expressed in metres;

(4) the location of any ancillary works, buildings and equipment in the form of a dot;

(5) the geometry and location of the segments of the works in a polygon representation;

(6) the layout of the segments of the works.

The elements in subparagraphs 1, 4 and 5 of the first paragraph must be available as digital files.

In the absence of documentation showing the location of the toes of the flood protection works, their location must be determined by an engineer.

8. The purpose of the visual inspection undertaken for the characterization study of the flood protection works is to detect any irregularities; it must be performed by an engineer. The results of the visual inspection of the flood protection works consist of the following elements in particular:

(1) a brief appraisal of the physical and structural condition of the flood protection works and of each segment, ancillary works, buildings and equipment, as well as the relevant rating as determined in Schedule I;

(2) a description of existing vegetation and, if applicable, any risks associated with it, and advice on the maintenance required to minimize risks;

(3) a description of any encroachments that could create a risk for the works or restrict monitoring or maintenance of the works or the carrying out of work;

(4) any other irregularity noted;

(5) any relevant recommendation.

9. The maximum boundaries of the exposed zone of the flood protection works are established by horizontal projection, from the downstream side, of the crest elevation of the flood protection works. It must include areas characterized by greater depths.

The horizontal projection is a method that projects the maximum crest elevation of the works onto the downstream topography of the works so as to form a polygon that establishes the exposed zone. A different elevation may be used if a technical opinion so warrants, in which case the opinion must form part of the characterization study.

The characterization study must include the digital files establishing the exposed zone in a polygon representation.

10. The identification and main characteristics of the vulnerable elements in the exposed zone of the flood protection works must include the number of persons residing in the zone, the number of buildings and their use, their property value and access points, and the infrastructures, works, facilities and the public institutions and public security establishments within the meaning of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).

11. The non-technical summary of the characteristics of the flood protection works consists of

(1) a description of the flood protection works and its ancillary works, buildings and equipment, including, for each segment, its method and year of construction, if known, the materials used and any other relevant information;

(2) a brief appraisal of the flood protection works and the condition of each of its segments, using the rating criteria in Schedule I;

(3) the maximum and average height of the crest of each segment of the works;

(4) the apparent protection level of the works;

(5) the actual protection level of the works, if known;

(6) the boundaries of the exposed zone of the works, established as provided in section 9;

(7) a description of the elements referred to in section 10;

(8) photos of the works; and

(9) a summary of any recommendations in the characterization study.

The non-technical summary of the characteristics of the flood protection works is to be inserted at the end of the body of the characterization study, before any appendices. It must be reviewed after any substantial modification to the works.

DIVISION II
SPECIFIC FLOOD PROTECTION WORKS PLAN

12. Every local municipality that has flood protection works situated entirely or partly in its territory must prepare a specific flood protection works plan. The plan must consider all the flood protection works situated entirely or partly in the municipality's territory.

The local municipality must integrate the plan into its emergency preparedness plan or append the plan to it.

If the exposed zone of flood protection works extends into the territory of a local municipality in which the works is not situated, the local municipality in whose territory the works is situated must send the results of the characterization study to that other municipality to enable it to develop a specific plan of its own.

13. A local municipality that has flood protection works situated entirely or partly in its territory must review its specific flood protection works plan in the following situations:

(1) following a characterization or performance study conducted pursuant to this Regulation;

(2) after work on the flood protection works that may have an impact on the exposed zone of the works or on the mobilization thresholds of the authorities and the warning thresholds;

(3) if an inspection reveals an element affecting the safety of the works;

(4) when implementation exercises for the plan reveal deficiencies in the implementation.

The local municipality must complete the review of its specific plan within six months after the occurrence of any of the elements referred to in the first paragraph.

14. The specific flood protection works plan must contain the following elements:

(1) a description of possible failures of the flood protection works, including failures of ancillary works, buildings and equipment;

(2) the boundaries of the extent of the exposed zone of the works established as provided in section 9;

(3) identification of the most vulnerable sectors, in particular because of water depth, should there be a failure, overflow or bypass of the flood protection works;

(4) identification and main characteristics of the vulnerable elements in the exposed zone of the works, determined as provided in section 10;

(5) determination of the mobilization thresholds of the authorities and the thresholds for alerting the population and any other local municipality into whose territory the works' exposed zone extends;

(6) the procedure for warning the population;

(7) the evacuation procedures in the event of a failure, overflow or bypass of the flood protection works and the resources to be deployed;

(8) the method that will be used as a preventive measure to explain the risk to the citizens concerned and the instructions to be followed in the event of failure, as well as the frequency of communication;

(9) a timetable of implementation exercises for the plan.

15. The local municipality must inform the Minister in writing of the completion or review of its specific flood protection works plan within 30 days after the completion or review, and make its plan available to the Minister.

16. Every local municipality that has flood protection works situated entirely or partly in its territory must take the necessary measures to ensure its personnel is trained in the measures contained in the specific flood protection works plan.

17. Every local municipality that has flood protection works situated entirely or partly in its territory must set up a timetable for the holding of exercises to implement the specific flood protection works plan, and make the timetable available to the Minister.

DIVISION III
PERFORMANCE STUDY

18. A municipality wishing to have an order made by the Government under section 46.0.13 of the Act for one or more flood protection works situated entirely or party in its territory must conduct a performance study, in addition to the characterization study required under Division I. The studies may be conducted concurrently.

19. The performance study must be signed by an engineer and contain, in addition to the elements required under Division I of this Chapter, the following information and documents:

(1) a functional analysis of the components of the flood protection works;

(2) an analysis of encroachments;

(3) an operation and maintenance manual.

20. The functional analysis of the components of flood protection works must contain the following elements:

(1) stability studies of the works and underlying ground at the places where each type of component segment in the works is considered critical, including the calculations performed using best practices and the applicable performance standards, for potential failure modes;

(2) a notice establishing the actual protection level of the works based on the studies conducted pursuant to paragraph 1 and the apparent protection level of the works, as well as the associated recurrence intervals, determined under section 25;

(3) an assessment of the works' resistance in a 1:1000 year flood event;

(4) an assessment of the capacity, reliability and operational condition of the ancillary works, buildings and equipment;

(5) an assessment of hazards other than high water that may create risks for the flood protection works, if the engineer in charge considers such an assessment appropriate.

21. The analysis of encroachments on the flood protection works must identify all the buildings, infrastructures and works that encroach on or in the works, and include an assessment of their impact on the works.

For the purposes of this section, every building, infrastructure or works that, in the opinion of the engineer performing the encroachment analysis, is likely to affect the safety of the flood protection works is considered to be an encroachment.

22. An operation and maintenance manual must cover, for each flood protection works,

(1) maintenance of vegetation on the works;

(2) maintenance and operation of removable works and of ancillary works, buildings and equipment; and

(3) monitoring and maintenance of the works.

23. A municipality for which an order under section 46.0.13 of the Act has been made must review the performance study of the flood protection works at least every 10 years.

On review, the work's actual protection level must be reassessed based on the data referred to in paragraph 1 of section 26.

24. A municipality for which an order under section 46.0.13 of the Act has been made must send the review of the performance study to the Minister not later than 60 days after receiving it.

CHAPTER III
DESIGN AND PERFORMANCE STANDARDS

25. Sited or reconstructed flood protection works, as well as flood protection works identified in an order made under section 46.0.13 of the Act, must have a future climate design and performance hazard reference that is at least a 1:100 year event.

A design hazard reference corresponds to a flood recurrence for which the flood protection works is able to prevent inundation of the upstream area and has a low probability of failure likely to compromise its stability.

26. Assessment of the flood protection works' design hazard reference must contain the following elements:

(1) the recurrence interval used must be the same as the interval used to produce the flood zone maps approved by the Minister pursuant to subdivision 2 of Division V.1 of Chapter IV of Title I of the Act. If that data is not available, the rules prepared and disseminated pursuant to the second paragraph of section 46.0.2.1 of the Act must be used;

(2) assessment of future climate must be made using the most critical period between the time the study is conducted and the year 2100 or the sea-level rise at 2100, as applicable, and using the rules prepared and disseminated pursuant to the second paragraph of section 46.0.2.1 of the Act;

(3) minimum freeboard in the design flood, as determined by an engineer, taking into account in particular

(*a*) the uncertainties relating to sample size, methods and models used, precision of the calculations, elements affecting flood routing in the watershed, and reliability of the removable systems, and the ancillary works, buildings and equipment of the flood protection works studied; and

(*b*) other hazards that may impact the operation of the flood protection works, including risks of watercourse obstruction, tides, storm surges and wave overwash.

27. Assessment of the design hazard reference may be made considering a removable system if an engineer attests that the removable system satisfies the following conditions:

(1) it is a structural component of the flood protection works;

(2) it has the necessary stability and reliability and is able to be deployed in a timely manner in any season;

(3) it allows a short length of space to be filled where the crest is at a level lower than its average height, or the necessary freeboard height to be achieved.

Despite the first paragraph, a removable system used to raise the crest of the flood protection works may not be considered in the assessment of the design hazard reference.

28. Sited or reconstructed flood protection works, as well as flood protection works identified in an order made under section 46.0.13 of the Act, must at all times have a rupture hazard resistance for at least a 1:1000 year flood event. The rupture hazard resistance is established by assessing how the works would behave during a 1:1000 year flood event. The works must demonstrate resistance to rupture even in the event of overflow or bypass.

A rupture hazard resistance corresponds to the flood event interval for which it is shown that, even during overflow or bypass, there is no rupture of the flood protection works.

Despite the first paragraph, if the exposed zone of the works may be totally inundated during an event less than a 1:1000 year flood event, the flood protection works must, at the minimum, have a rupture hazard resistance equal to the recurrence interval corresponding to total inundation of the exposed zone. In no case may that hazard be lesser than the design hazard reference referred to in section 25.

CHAPTER IV
ACTIVITIES

DIVISION I
GENERAL STANDARDS

29. No person may carry out work, constructions or other activities on flood protection works that are likely to compromise the safety of the works.

30. The siting or reconstruction of flood protection works not meeting the performance standards set out in sections 25 to 28 is prohibited, except if, for reconstruction of works that cannot meet the performance standards, the reconstruction is authorized pursuant to section 165.2 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).

For the purposes of this section, siting excludes conversion of part of a composite of works, infrastructures and elements of the environment, continuous or discontinuous, forming consistent protection of a territory and at least one part of which meets the criteria in section 1.

31. Construction of flood protection works is prohibited, unless

(1) the work is carried out by a municipality, a government department or a public body;

(2) there is no other way to provide adequate protection for persons and property;

(3) it is in the public interest, in particular due to the number of persons, infrastructures, buildings or works protected; and

(4) in the case of the siting of flood protection works, the works must protect a territory in which at least 75% of the lots are already occupied by a residential or non-residential building.

32. The siting and reconstruction on flood protection works of a non-residential building other than an ancillary building necessary for the proper operation of the works is prohibited.

33. An infrastructure or works giving access to a non-residential building, works, infrastructure, equipment or site, such as a vehicular entrance or pedestrian walkway, may be sited or reconstructed on flood protection works only if the siting or reconstruction cannot take place elsewhere on the lot without encroaching on the flood protection works.

34. The following are prohibited on flood protection works:

(1) forest development activities;

(2) laying out a golf course or campground;

(3) composting farm animals that die on a farm and storage of compost.

35. Drilling work is prohibited on flood protection works, except in the following cases:

(1) the work is required for an activity authorized under sections 165.2 to 165.5 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(2) the work is required for an activity eligible for a declaration of compliance under section 165.9 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact.

DIVISION II
CONDITIONS THAT APPLY TO THE CARRYING OUT OF CERTAIN ACTIVITIES

§1. General

36. This Division does not apply to activities that require a municipal permit under Division III of Chapter III of the Regulation respecting activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*).

37. The following activities may be carried out only by a municipality, a government department or a public body:

(1) the construction of ancillary works, buildings or equipment necessary for the operation of flood protection works;

(2) the development of land for recreational purposes on flood protection works;

(3) the construction of structures other than a building, such as a sign or a fence.

38. No person carrying out work on flood protection works

(1) may prevent or impede access to the works; or

(2) may prevent maintenance, inspection and monitoring of the works or impede the carrying out of those activities.

Similarly, every person carrying out work on flood protection works must, in the event of damage or faulty operation affecting the flood protection works, restore the works to its former condition in compliance with the instructions of an engineer to ensure the safety of the works.

39. No fill or excavation work may be carried out on flood protection works.

The first paragraph does not apply to activities whose nature necessarily requires fill or excavation work, such as the construction of an infrastructure, works, building or equipment. In such a case, the activities must not alter the topography or elevation of the works.

§2. Restoration and management of vegetation

40. On completion of an activity carried out on flood protection works,

(1) all temporary works must be dismantled and removed from the site;

(2) embankments must be stable and protected against erosion, using the technique most conducive to maintaining the initial conditions of the site; and

(3) the site must be restored within one year following completion of the activity, including, where applicable,

(*a*) soil restoration; and

(*b*) in the dewatered zone, revegetation of the areas affected if they have been stripped of vegetation or soil, except

i. during drilling work;

ii. during sample taking, conducting surveys or technical surveys and taking measurements; or

iii. if the revegetation jeopardizes the stability or safety of the works.

41. If soil restoration is required under section 40, it must comply with the following conditions:

(1) if water is present, the restoration must be carried out with the stabilized original substrate;

(2) all debris and other residual materials must be removed;

(3) the restoration must be carried out with the topography of the flood protection works being preserved.

42. If revegetation is required under this Regulation, it must comply with the following conditions:

(1) it must be carried out using species that are adapted to the environment, ideally native species;

(2) the survival rate of the vegetation or cover must be 80% in the year following revegetation; that failing, dead vegetation must be replaced.

43. Management of vegetation, including revegetation required under this Regulation, cannot involve seeding or planting trees and shrubs.

44. If stump removal is carried out on flood protection works, the root system must be replaced using materials similar to those in place on the flood protection works and fill and excavation work must be limited to what is necessary.

§3. Operation and use of vehicles and machinery

45. The operation of motorized vehicles required to carry out work on flood protection works must comply with the following conditions:

(1) the operation must take place only in dewatered parts of the flood protection works or in winter with snow or ice cover;

(2) if ruts are created, the area must be restored to its original condition, or a condition close thereto.

The condition in subparagraph 1 of the first paragraph does not apply if the operating is required for

(1) drilling work;

(2) construction of temporary works;

(3) conducting surveys and preliminary technical surveys;

(4) taking samples; or

(5) taking measurements.

46. The refuelling and maintenance of vehicles or machinery must be carried out on the following conditions:

(1) the work is carried out only in dewatered or drained parts of the works or in winter with snow or ice cover;

(2) the vehicle or machinery is equipped with a system for collecting fluid leakage and spillage or with a spillage prevention device.

47. Hydraulic fluids and drilling greases used for a drill on flood protection works must be degradable to more than 60% in 28 days.

On completion of the work,

(1) all drill holes must be sealed so as to prevent contaminants from migrating from the surface towards an aquifer; and

(2) the tubing must be severed at ground level.

§4. Dewatering on flood protection works

48. Temporary dewatering on flood protection works cannot take place more than twice in a 12-month period.

Dewatering work may in no case exceed a period of 30 consecutive days.

49. Dewatering work on flood protection works must comply with the following conditions:

(1) the equipment and materials used must make it possible to limit the discharge of suspended matter into the lake or watercourse;

(2) if the pumped water contains suspended matter visible to the naked eye, it must be discharged into an area of vegetation located more than 30 m from the littoral zone and elsewhere than on the flood protection works, such as a field of grasses or forest litter, provided the point of discharge is regularly shifted to a new location.

50. Works used for dewatering on flood protection works must be dismantled by first removing the materials situated inside the dewatered area and then advancing from the area downstream of the works towards the upstream area.

§5. Sending of information and documents

51. A person carrying out work, constructions or activities on flood protection works not requiring a municipal permit under the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of*

Québec Laws and Regulations) or who has not obtained an attestation from the relevant municipality under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) confirming its agreement to have the works carried out must, at least 15 days before the start of the work, inform the municipality of the planned work.

52. Not later than 90 days after completion of construction of flood protection works, the municipality must send to the Minister

(1) an attestation from an engineer stating that the project was completed in compliance with the applicable terms and conditions;

(2) the technical description of the works referred to in section 6 or a revised version of the description, as applicable;

(3) the boundaries of the works established as provided in section 7 or a revised version of the boundaries, as applicable;

(4) the non-technical summary of the characteristics of the works referred to in section 11, or a revised version of the summary, as applicable;

(5) the information required under subparagraphs 1 to 7 of the first paragraph of section 66; and

(6) in the case of a siting, a notice indicating that the specific flood protection works plan has been produced.

If the purpose of the work is to have the performance standards set out in sections 25 to 28 met by a municipality for which an order has been made under section 46.0.13 or that wishes to be covered by such an order, the operation and maintenance manual or a revised version of it must also be sent to the Minister within the same time period.

For dismantling and neutralization of works, the municipality must send the attestation referred to in subparagraph 1 of the first paragraph to the Minister within the same time period.

For construction of ancillary works, buildings or equipment necessary for the operation of flood protection works or for an activity carried out on flood protection works authorized pursuant to section 165.5 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), the municipality must send the attestation referred to in subparagraph 1 of the first paragraph to the Minister within the same time period.

CHAPTER V
MONITORING AND MAINTENANCE

DIVISION I
PROVISIONS APPLICABLE TO ALL FLOOD PROTECTION WORKS

53. Every local municipality that has flood protection works situated entirely or partly in its territory must maintain the herbaceous and shrub vegetation on the works in a manner that allows access to the works, detection of irregularities and prevention of premature deterioration of the works.

54. Unless a situation may compromise safety, work on flood protection works may not be carried out when the mobilization thresholds of the authorities and the warning thresholds identified in the specific flood protection works plan have been reached.

55. Every local municipality that has flood protection works situated entirely or partly in its territory must maintain access at all times to the works, enabling the municipality to intervene in urgent circumstances or to prevent serious or irreparable harm or damage to human beings, ecosystems, other living species, the environment or property.

56. Every local municipality that has flood protection works situated entirely or partly in its territory must, in any situation likely to compromise the safety of the works, take the necessary measures to remedy the situation without delay.

57. Every municipality that has flood protection works situated entirely or partly in its territory must install visual markers indicating the mobilization thresholds of the authorities and the warning thresholds identified in the specific flood protection works plan.

58. Every municipality that has flood protection works situated entirely or partly in its territory must monitor the works during flood periods. The monitoring must, at a minimum,

(1) be consistent with the mobilization thresholds of the authorities and the warning thresholds identified in the municipality's specific flood protection works plan;

(2) include a log of water level measurements stating the date and time at which the measurements were taken; and

(3) be continuous if the actual protection level of the works has been reached.

DIVISION II
PROVISIONS APPLICABLE TO WORKS IDENTIFIED IN AN ORDER

59. A municipality for which an order under section 46.0.13 of the Act has been made must maintain the flood protection works in good condition as well as any ancillary works, buildings or equipment identified in the order.

60. A municipality for which an order under section 46.0.13 of the Act has been made must, as regards flood protection works identified in the order, maintain in force and apply the operation and maintenance manual prepared pursuant to section 22 of this Regulation and make it available to the Minister within the time the Minister specifies.

61. Every municipality for which an order under section 46.0.13 of the Act has been made must, each year, conduct at least one visit of the works identified in the order so as to obtain an overview of the condition of the works and a follow-up of any irregularities identified in previous years.

The visit must be conducted by an engineer or a person employed by the municipality. The person responsible for the visit must produce a written report containing, in particular,

(1) the name and contact information of the person responsible for the visit;

(2) the date of the visit;

(3) the person's observations, in particular regarding the elements identified by the engineer during the inspection under section 8 or section 62;

(4) the photos taken during the visit;

(5) any irregularities observed; and

(6) the follow-up on any irregularities observed during previous inspection visits.

The report must be made available to the Minister within the time the Minister specifies.

62. A municipality for which an order under section 46.0.13 of the Act has been made must have a visual inspection performed at least once every five years by an engineer who must produce a written report containing, in particular,

(1) the engineer's name and contact information;

(2) the date of the inspection;

(3) a description of the observations made during the inspection;

(4) the photos taken during the inspection;

(5) any irregularities observed; and

(6) the measures to be taken to correct the irregularities or to ensure follow-up.

The report must be made available to the Minister within the time the Minister specifies.

During a calendar year in which a performance study is conducted by the municipality referred to in the first paragraph, the inspection referred to in the first paragraph need not be conducted.

63. A municipality for which an order under section 46.0.13 of the Act has been made must keep a maintenance and monitoring log containing at least the following information:

(1) the date and a description of each maintenance and monitoring activity carried out, and any comment relevant to the activity;

(2) a description of each removable system deployment exercise, the problems observed, a course of action to remedy the situation and the corrective measures taken;

(3) if the water level reaches the first mobilization and warning threshold, the water levels and the date and time at which the measurements were taken.

The maintenance and monitoring log must be made available to the Minister within the time the Minister specifies.

64. A municipality for which an order under section 46.0.13 of the Act has been made must increase monitoring after a flood, earthquake, storm or ice jam, and during construction on flood protection works.

The municipality must document each of the situations referred to in the first paragraph in the maintenance and monitoring log.

65. A municipality for which an order under section 46.0.13 of the Act has been made must maintain compliance of the works with the design and performance standards set out in Chapter III.

CHAPTER VI
REGISTERS

DIVISION I
REGISTER OF FLOOD PROTECTION WORKS

66. The register of flood protection works established pursuant to section 46.0.21 of the Act must contain the following information and documents for each works:

(1) the names of the local and regional municipalities and the administrative region in whose territory the works is situated;

(2) the location of the works;

(3) the type of the works;

(4) the lakes and watercourses whose natural extension the works is designed to limit;

(5) the length of the works;

(6) the year of the works' construction, if known;

(7) the non-technical summary referred to in section 11;

(8) the year in which the last characterization or performance study was conducted;

(9) if applicable, the number of the order made under section 46.0.13 of the Act and the date on which it was made.

The Minister may enter in the register any other relevant information the Minister holds concerning flood protection works.

67. A local municipality that has flood protection works situated entirely or partly in its territory must send the information required under subparagraphs 1 to 7 of the first paragraph of section 66 to the Minister.

68. A municipality that has flood protection works situated entirely or partly in its territory must promptly inform the Minister of any change affecting information entered in the register.

69. Every municipality that has flood protection works situated entirely or partly in its territory must, at the Minister's request and within three months after the request, send any information or document necessary to update the register to the Minister.

DIVISION II
LAND REGISTER

70. The notice of application for registration under section 46.0.18 of the Act must be accompanied by a technical description of the flood protection works prepared by a land surveyor. The technical description must include the plan referred to in section 6.

For the purposes of registration in the land register, the technical description is not required for any part of the works situated in the waters of the State. If the works is situated entirely in the waters of the State, that fact must be stated in the notice of application.

71. The relevant municipality must send a copy of the notice, certified by the Land Registrar, to the Minister within 60 days after publication of the order made under section 46.0.13 of the Act in the *Gazette officielle du Québec*.

72. A municipality referred to in section 71 must send a copy of the notice, certified by the Land Registrar, to the Minister within 60 days after an amendment to the notice under section 46.0.18 of the Act.

CHAPTER VII
MONETARY ADMINISTRATIVE PENALTIES

73. A monetary administrative penalty of $250 in the case of a natural person and $1,000 in other cases may be imposed on any person that

(1) fails to send, at the Minister's request, any information or document within the time or in the manner the Minister prescribes; or

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

A monetary administrative penalty of $1,000 may be imposed

(1) on any local municipality that has flood protection works situated entirely or partly in its territory and fails to send the notice required under section 4 to the Minister;

(2) on any municipality that has flood protection works situated entirely or partly in its territory and fails

(*a*) to send the characterization study or its update;

(*b*) to send, within the required time period, the notice to the Minister stating that its specific flood protection works plan has been completed or reviewed, or to make the plan available to the Minister; or

(*c*) to send the information referred to in section 67 to the Minister; and

(3) on any municipality for which an order under section 46.0.13 of the Act has been made that fails

(*a*) to prepare, keep up to date or make available to the Minister the operation and maintenance manual referred to in section 22;

(*b*) to send the performance study review to the Minister within 60 days after receiving it;

(*c*) to prepare, keep up to date or make available to the Minister the maintenance and monitoring log referred to in section 63; or

(*d*) to send the copy of the notice, certified by the Land Registrar, within the time period required by sections 71 and 72.

74. A monetary administrative penalty of $1,500 may be imposed on any municipality that fails to send the documents listed in section 52.

75. A monetary administrative penalty of $2,500 may be imposed on any municipality that fails

(1) to prepare or review the characterization study of flood protection works situated entirely or partly in its territory;

(2) to prepare or review its specific flood protection works plan or to ensure that its personnel is trained in the measures contained in the specific plan; or

(3) to set up a timetable for exercises to implement the specific flood protection works plan.

76. A monetary administrative penalty of $3,500 may be imposed on any municipality that fails to install the visual mobilization and warning threshold markers.

77. A monetary administrative penalty of $1,000 in the case of a natural person and $5,000 in other cases may be imposed on any person that carries out work without complying with the conditions in sections 37 to 51 and 54.

A monetary administrative penalty of $5,000 may be imposed

(1) on any municipality that has flood protection works situated entirely or partly in its territory and fails

(*a*) to maintain the vegetation as provided in section 53 of this Regulation;

(*b*) to maintain access to the works at all times as required under section 55 of this Regulation; or

(*c*) to perform the monitoring in compliance with section 58 of this Regulation; and

(2) on any municipality for which an order section 46.0.13 of the Act has been made that fails

(*a*) to review the performance study within the time period required by section 23;

(*b*) to maintain the flood protection works as well as any ancillary works, buildings or equipment in good condition, in contravention of section 59; or

(*c*) to conduct the visit of the works as required under section 61 or perform the visual inspection required under section 62 or the monitoring required under section 64.

78. A monetary administrative penalty of $7,500 may be imposed

(1) on any municipality that sites or reconstructs flood protection works using performance standards lower than those set out in sections 25 and 28; and

(2) on any municipality for which an order under section 46.0.13 of the Act has been made that does not maintain, with regard to the flood protection works identified in the order, the performance standards set out in sections 25 and 28.

A monetary administrative penalty of $1,500 in the case of a natural person and $7,500 in other cases may be imposed on any person that carries out an activity prohibited under sections 29 to 43.

A monetary administrative penalty of $1,500 in the case of a natural person and $7,500 in other cases may be imposed or any person other than a government department, a public body or a municipality that sites or reconstructs flood protection works or constructs ancillary works, buildings or equipment necessary for the operation of flood protection works, develops land for recreational purposes or builds a structure other than a building, such as a sign or a fence, on flood protection works.

79. A monetary administrative penalty of $2,000 in the case of a natural person and $10,000 in other cases may be imposed on any person that compromises the safety of flood protection works.

80. A monetary administrative penalty of $10,000 may be imposed on any municipality that has flood protection works situated entirely or partly in its territory

that, in any situation that may compromise the safety of the works, fails to take the necessary measures to remedy the situation without delay.

CHAPTER VIII
PENAL PROVISONS

81. Every person who

(1) refuses or neglects to send to the Minister, at the Minister's request, any information or document within the time or in the manner the Minister prescribes, or

(2) contravenes this Regulation in cases where no other offence is provided,

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

The following are liable to a fine of $3,000 to $600,000:

(1) any local municipality that has flood protection works situated entirely or partly in its territory and fails to send the notice required under section 4 to the Minister;

(2) any municipality that has flood protection works situated entirely or partly in its territory and fails

(*a*) to send the characterization study or its update;

(*b*) to send the notice to the Minister stating that its specific flood protection works plan has been completed or reviewed or to make the plan available to the Minister; or

(*c*) to send the information required under section 67 to the Minister;

(3) any municipality for which an order under section 46.0.13 of the Act has been made that fails

(*a*) to send the performance study review to the Minister within 60 days after receiving it, in contravention of section 24;

(*b*) to prepare, keep up to date or make available to the Minister the operation and maintenance manual referred to in section 60;

(*c*) to prepare, keep up to date or make available to the Minister the maintenance and monitoring log referred to in section 64; or

(*d*) to send a copy of the notice, certified by the Land Registrar, in the manner and within the time required by sections 71 and 72.

82. Any municipality that fails to send the documents listed in section 52 is liable to a fine of not less than $6,000.

83. Any municipality that fails

(1) to conduct or review the characterization study of flood protection works situated in entirely or partly in its territory, as required by section 5;

(2) to prepare or review its specific flood protection works plan in compliance with sections 12 and 13 or to ensure that its personnel is trained in the measures contained in the specific plan in compliance with section 16; or

(3) to set up a timetable for exercises to implement the specific plan in compliance with section 17,

is liable to a fine of $7,500 to $1,500,000.

84. Any municipality that fails to install the visual mobilization threshold markers of the authorities and the warning threshold markers required under section 57 is liable to a fine of $12,000 to $1,500,000.

85. Whoever carries out work without complying with the conditions in sections 37 to 51 and 54 is liable, in the case of a natural person, to a fine of $5,000 to $500,000 and, in other cases, to a fine of $15,000 to $3,000,000.

The following are liable to a fine of $15,000 to $3,000,000:

(1) any local municipality in whose territory flood protection works is situated that fails

(*a*) to maintain the vegetation as provided in section 53 of this Regulation;

(*b*) to maintain access to the works at all times as required under section 55 of this Regulation; or

(*c*) to perform the monitoring in compliance with section 58 of this Regulation;

(2) any municipality for which an order under section 46.0.13 of the Act has been made that fails

(*a*) to review the performance study within the time required by section 23;

(*b*) to maintain in proper operating order any ancillary works, buildings or equipment of flood protection works identified in the order declaring the municipality responsible, in contravention of section 59; or

(*c*) to conduct the visit of the works as required under section 61 or perform the visual inspection required under section 62 or the monitoring required under section 64 of this Regulation.

86. The following are liable to a fine of $24,000 to $3,000,000

(1) any municipality that sites or reconstructs flood protection works using performance standards lower than those set out in sections 25 and 28;

(2) any municipality for which an order under section 46.0.13 of the Act has been made that does not maintain, with regard to the flood protection works identified in the order, the performance standards set out in sections 25 and 28.

Whoever carries out an activity prohibited under sections 29 to 43 is liable, in the case of a natural person, to a fine of $8,000 to $500,000 and, in other cases, to a fine of $24,000 to $3,000,000.

Whoever, other than a government department, public body or municipality, that sites or reconstructs flood protection works or constructs ancillary works, buildings or equipment necessary for the operation of flood protection works, develops land for recreational purposes or builds a structure other than a building, such as a sign or a fence, on flood protection works is liable, in the case of a natural person, to a fine of $8,000 to $500,000 and, in other cases, to a fine of $24,000 to $3,000,000.

87. Whoever, by any action, compromises or impairs the safety of flood protection works is liable, in the case of a natural person, to a fine of $10,000 to $1,000,000 and, in other cases, to a fine of $30,000 to $6,000,000

88. Any municipality that, in any situation that may compromise the safety of flood protection works, fails to take the necessary measures to remedy the situation without delay is liable to a fine of $37,500 to $6,000,000.

CHAPTER IX
TRANSITIONAL AND FINAL

89. Section 118.3.3 of the Act does not apply to a municipal by-law relating to a matter dealing with

(1) withdrawal of an encroachment in flood protection works; or

(2) the width of flood protection works, to the extent that the consequence of flooding is to widen the works, provided there is no further encroachment on the littoral zone, a lakeshore or riverbank, a short-term mobility zone or a wetland.

A municipality that adopts a by-law pertaining to subparagraph 2 of the first paragraph must keep up to date the documents referred to in sections 6 and 7 of this Regulation. The municipality must send a copy of the by-law to the Minister within 90 days after its adoption.

90. Every local municipality that has flood protection works situated entirely or partly in its territory must, not later than (*insert the date that is 36 months after the date of coming into force of this Regulation*), conduct a characterization study in compliance with Division I of Chapter II of this Regulation and send a copy of the study to the Minister.

91. Every local municipality that has flood protection works situated entirely or partly in its territory must, not later than (*insert the date that is 12 months after the date of coming into force of this Regulation*), prepare its specific flood protection works plan and so inform the Minister in writing.

The specific plan must meet the requirements of section 14, to the extent that the information is available.

92. Every local municipality that has flood protection works situated entirely or partly in its territory must, not later than (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*), send the description required by section 6, the boundaries as established pursuant to section 7 and the information required under subparagraphs 1 to 6 of the first paragraph of section 66 to the Minister.

93. A monetary administrative penalty of $1,000 may be imposed on any municipality that has flood protection works situated entirely or partly in its territory and fails to send the information required under section 92 to the Minister.

94. Any municipality that has flood protection works situated entirely or partly in its territory that fails to send the description required by section 6, the boundaries as established pursuant to section 7 or the information required under subparagraphs 1 to 6 of the first paragraph of section 66 is liable to a fine of $3,000 to $600,000.

95. Until the date on which the Minister publishes the rules applicable to the establishment of the boundaries of the flood zones of lakes or watercourses and those for mobility zones of watercourses referred to in section 46.0.2.1 of the Act, a municipality wishing to have an order made under section 46.0.13 of the Act for one or more flood protection works situated entirely or partly in its territory may not conduct the performance study under Division III of Chapter II.

96. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

SCHEDULE I
(Section 8)

RATINGS

"Very good": The segment of the works is considered to be "very good" if there are no irregularities or it shows only minor local deterioration considered to be normal or without consequence. The ancillary works, buildings and equipment are fully operational.

"Good": The segment of the works is considered to be "good" if it shows only minor deterioration or irregularities that do not compromise the proper operation of its components. The ancillary works, buildings and equipment show no risk of major malfunctioning and are able to operate as intended.

"Acceptable": The segment of the works is considered to be "acceptable" if it shows deterioration requiring repair, without in the short term constituting a danger to the structure's safety, but needs maintenance and restoration work in the short or medium term. It may also show irregularities that do not affect its short-term safety but require special monitoring and follow-up. The ancillary works, buildings and equipment show risks of malfunctioning and require repairs to ensure proper operation.

"Poor": The segment of the works or the ancillary works, buildings and equipment are considered to be "poor" if they show one or more instances of serious deterioration that may compromise stability or render any of their components inoperative, or show serious irregularities likely to compromise the safety of the works.

"Undetermined": It is impossible to form an opinion on the condition of the works and the ancillary works, buildings and equipment.

Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects

Environment Quality Act
(chapter Q-2, ss. 31.1, 31.9, 1st par., subpar. *a*, and s. 46.0.22, par. 6)

1. The Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) is amended in section 1 by adding the following paragraph at the end:

"In addition, the terms "watercourse", "wetland", "body of water", "riverbank or lakeshore" and "flood zone" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).".

2. Section 5 is amended by striking out "within the meaning of section 46.0.2 of the Act" in subparagraph 4 of the first paragraph.

3. Schedule 1 is amended

(1) in Part I, GENERAL,

(*a*) by inserting the following after paragraph 1 of section 1:

"(1.1) "dam" means any works constructed across a watercourse or at the outlet of a lake and resulting in the creation of a reservoir, including any works intended to impound all or part of the water stored in such a reservoir;

(1.2) "dike" means any works intended to impound water that is not part of a damn or a flood protection works;

(1.3) "flood protection works" means a flood protection works within the meaning of section 1 of the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*);";

(*b*) by striking out paragraph 5 of section 1;

(2) in Part II, SUBJECT PROJECTS,

(*a*) by replacing "a high-velocity flood zone, within the meaning of the Policy," in subparagraph 1 of the third paragraph of section 1 by "a body of water";

(*b*) by inserting the following after section 1:

"**(1.1.)** FLOOD PROTECTION WORKS

The following projects are subject to the procedure:

(1) the construction of a flood protection works;

(2) the extension, raising, lowering or shortening of such work;

(3) the conversion of an existing infrastructure into a flood protection works if the work involves raising, extending, lowering or shortening the infrastructure;

(4) the demolition or the neutralization of a flood protection works, except in the case of a demolition to give again free space to the bodies of water concerned if such a demolition does not have consequences for the safety of persons and property.

For the purposes of the first paragraph, the term "neutralization" has the meaning provided for in section 3 of the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*).";

(*c*) by replacing "flood line" in subparagraph 1 of the first paragraph of section 2, by "flood limit";

(*d*) by striking out "within the meaning of section 46.0.2 of the Act" in subparagraph 2 of the first paragraph of section 2;

(*e*) by replacing ", a stream or a river" in subparagraph 7 of the second paragraph of section 2 by "or a watercourse";

(*f*) by replacing "flood line" in the fourth paragraph of section 2, by "flood limit";

(*g*) by replacing the words "the body of water" wherever they appear in the fourth paragraph of section 2 by "river or lake";

4. An activity concerning a flood protection works referred to in section 1.1 of Part II of Schedule 1 to the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1), made by section 3 of this Regulation, for which a ministerial authorization application under section 22 of the Environment Quality Act (chapter Q-2) has been submitted before (*insert the date of publication of this Regulation*) and that is still pending on (*insert the date of coming into force of this Regulation*) is not subject to the environmental impact assessment and review procedure.

5. An activity concerning a flood protection works referred to in section 1.1 of Part II of Schedule 1 to the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1), made by section 3 of this Regulation, for which a ministerial authorization application under section 22 of the Environment Quality Act (chapter Q-2) has been submitted between (*insert the date of publication of this Regulation*) and (*insert the date that is before the date of coming into force of this Regulation*) and that is still pending on that last date is subject to the environmental impact assessment and review procedure.

The applicant must then file a written notice with the Minister, in accordance with section 31.2 of the Environment Quality Act and section 3 of the Regulation respecting the environmental impact assessment and review of certain projects.

6. This Regulation comes into force (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulations establishing a new development regime in flood zones and regulating flood protection works

Environment Quality Act
(chapter Q-2, s. 46.0.22, pars. 10, 11 and 17, and s. 95.1, 1st par., subpars. 13 and 21)

DIVISION I
GENERAL

1. In this Regulation, unless the context indicates otherwise,

"Act" means the Environment Quality Act; (*Loi*)

"change to boundaries" means a change to the boundaries of flood zones or channel migration zones within the meaning of the first paragraph of section 2 of this Regulation; (*changement à la délimitation*)

"declaration of compliance" means a declaration referred to in section 31.0.6 of the Environment Quality Act; (*déclaration de conformité*)

"exempted activity" means an activity exempted from the ministerial authorization pursuant to section 31.0.11 of the Environment Quality Act (chapter Q-2); (*activité exemptée*)

"Minister" means the Minister responsible for the administration of the Act; (*ministre*)

"ministerial authorization" means an authorization referred to in section 22 of the Environment Quality Act; (*autorisation ministérielle*)

"municipal permit" means a permit issued by a municipality under the Regulation respecting the temporary implementation of the amendments made by chapter 7 of

the Statutes of 2021 in connection with the management of flood risks (chapter Q-2, r. 32.2) or under the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*); (*permis municipal*)

"regulations establishing the new regime" means the regulations establishing the new development regime in flood zones and regulating flood protection works, listed in the second paragraph of section 2 of this Regulation; (*règlements établissant le nouveau regime*)

"regulatory class" means the regulatory class of certain activities referred to in the third paragraph of section 4 of this Regulation; (*classement de l'encadrement*)

"requirements" means the conditions, restrictions and prohibitions prescribed by the Environment Quality Act or its regulations. (*exigences*)

Also for the purposes of this Regulation,

(1) the expressions relating to wetlands and bodies of water have the meaning assigned to them by sections 4 to 7 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*); and

(2) the expressions relating to flood protection works have the meaning assigned to them by sections 1 to 3 of the Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*).

2. This Regulation provides the transitional rules that apply to the carrying out of certain activities when a notice referred to in the fourth paragraph of section 46.0.2.1 of the Act, relating to the boundaries of flood zones of lakes or watercourses and the boundaries of channel migration zones of watercourses, is published to designate new flood zones or channel migration zones or to modify the classes of zones.

It also provides the transitional rules that apply to the carrying out of certain activities as of the coming into force of the following regulations establishing a new development regime in flood zones and regulating flood protection works:

(1) Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(3) Flood Protection Works Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*);

(4) Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the number and date of the Order in Council making the Regulation*);

(5) Regulation to amend the Regulation respecting the burial of contaminated soils (*insert the number and date of the Order in Council making the Regulation*);

(6) Regulation to amend the Regulation respecting the landfilling and incineration of residual materials (*insert the number and date of the Order in Council making the Regulation*);

(7) Regulation to amend the Agricultural Operations Regulation (*insert the number and date of the Order in Council making the Regulation*);

(8) Regulation to amend the Regulation respecting pulp and paper mills (*insert the number and date of the Order in Council making the Regulation*);

(9) Regulation to amend the Snow, Road Salt and Abrasives Management Regulation (*insert the number and date of the Order in Council making the Regulation*);

(10) Regulation to amend the Water Withdrawal and Protection Regulation (*insert the number and date of the Order in Council making the Regulation*);

(11) Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations (*insert the number and date of the Order in Council making the Regulation*);

(12) Regulation to amend the Regulation respecting the reclamation of residual materials (*insert the number and date of the Order in Council making the Regulation*).

3. The transitional rules provided in this Regulation pertain to the application of requirements to an activity on the basis of the environment in which the activity is carried out, as a consequence of the taking effect of a change to boundaries of flood zones or channel migration zones or the coming into force of the regulations establishing the new regime.

The transitional rules apply to activities that, on that effective date or coming into force date, are in progress or for which

(1) ministerial authorization has been issued;

(2) a declaration of compliance has been filed;

(3) a municipal permit has been issued;

(4) an application for ministerial authorization or a municipal permit has been made; or

(5) a declaration of compliance has been sent.

In addition, if before that effective date or coming into force date, an authorization was issued by the Government under section 31.5 of the Act for a project including an activity that, on that date, is in one of the situations referred to in the second paragraph, the transitional rules provided by this Regulation apply to all activities that as part of the project are carried out subsequently to that activity, according to their regulatory class, unless the rules applying to those activities were provided by the authorization.

4. For the purposes of this Regulation, flood zones are grouped into the following classes, from the most restrictive to the least restrictive zone:

(1) very high flood hazard zone;

(2) high-velocity flood zone;

(3) high flood hazard zone;

(4) moderate flood hazard zone;

(5) low flood hazard zone; and

(6) low-velocity flood zone.

Channel migration zones are grouped into the following classes, from the more restrictive to the lesser restrictive zone:

(1) short-term channel migration zone; and

(2) long-term channel migration zone.

Activities are classed according to the regulatory scheme under the Act and the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), on the basis of their environmental impact, in the following order from the highest to the lowest impact:

(1) activity requiring ministerial authorization;

(2) activity eligible for a declaration of compliance;

(3) exempted activity requiring a municipal permit;

(4) exempted activity not requiring a municipal permit; and

(5) activity not requiring ministerial authorization.

DIVISION II
CHANGE TO BOUNDARIES OF FLOOD ZONES AND CHANNEL MIGRATION ZONES

5. If an activity is in progress on land in a flood zone or a channel migration zone for which a change to boundaries has been made and, on the effective date of that change, the land is subsequently situated in a flood zone or a channel migration zone whose class under the first or second paragraph of section 4 is less restrictive than before that date, or is subsequently situated outside such a zone, the activity may be continued without further formality.

6. If an activity is in progress on land for which a change to boundaries has been made and, on the effective date of that change, the land is subsequently situated in a flood zone or a channel migration zone, remains in the same zone, or is situated in a zone whose class is more restrictive than before that date, the activity may be continued despite the change resulting in new requirements that apply to the activity, subject to the following conditions:

(1) not later than 60 days following the effective date of the change, the person carrying out the activity must send a notice to that effect along with a detailed description of the work and the surface area of the land on which the work is taking place

(*a*) to the relevant municipality if, as a result of the change, the activity subsequently requires a municipal permit; or

(*b*) to the Minister if, as a result of the change, the activity is subsequently eligible for a declaration of compliance or requires ministerial authorization;

(2) in all cases, the activity is to be carried out as initially planned, unless a change is made in compliance with the new requirements.

A person failing to comply with either of the conditions in subparagraphs 1 and 2 of the first paragraph is required to carry out the activity in compliance with the requirements that apply since the change.

7. If, on the effective date of a change to boundaries, an activity has not begun despite ministerial authorization being issued, a declaration of compliance being sent or a municipal permit being issued, and the activity is to be carried out on land that is subsequently situated in a flood zone or a channel migration zone, remains in the same zone or is situated in a zone whose class is more restrictive than before that date, but the change results in new requirements that apply to the activity, the holder or the declarant may carry out the activity in compliance with the requirements that applied before that date, provided the activity is carried out as initially planned, unless a change is made in compliance with the new requirements.

A person failing to comply with the condition in the first paragraph is required to carry out the activity in compliance with the requirements that apply since the change.

8. If, on the effective date of a change to boundaries, an activity for which an application for ministerial authorization or a municipal permit has been made is to be carried out on land that is subsequently situated in a flood zone or a channel migration zone, remains in the same zone or is situated in a zone whose class is more restrictive than before that date, but the change results in new requirements that apply to the activity, the applicant for the authorization or permit must,

(1) for the application to be admissible, complete the application by sending any additional information or document required as a result of the change to the Minister or the relevant municipality, as applicable; and

(2) carry out the activity in compliance with the new requirements once the authorization or permit has been issued.

A declarant having sent a declaration of compliance less than 30 days before the effective date of the change must complete the declaration in the same manner, as applicable, and carry out the activity in compliance with the requirements that apply since the change.

In the event where the change results in the activity being prohibited, the activity may no longer be carried out and, as regards an application for authorization or a permit, consideration of the application is interrupted.

DIVISION III
REGULATION OF ACTIVITIES TO WHICH THE REGULATORY AMENDMENTS ESTABLISHING THE NEW REGIME APPLY

9. An activity in progress before (*insert the date of coming into force of this Regulation*), whose regulatory class as of that date is subsequently lower as a result of the coming into force of the regulations establishing the new regime, may be continued without further formality.

10. An activity in progress before (*insert the date of coming into force of this Regulation*), whose regulatory class as of that date remains the same, but to which new requirements apply as a result of the coming into force of the regulations establishing the new regime, may be continued in compliance with the requirements that applied before that date, without further formality.

11. An activity in progress before (*insert the date of coming into force of this Regulation*), whose regulatory class as of that date is subsequently higher as a result of the coming into force of the regulations establishing the new regime, may be continued in compliance with the requirements that applied before that date, provided the activity is carried out as initially planned, unless a change is made in compliance with the new requirements.

A person failing to comply with the condition in the first paragraph is required to carry out the activity in compliance with the requirements that apply under the regulations establishing the new regime.

12. If, on (*insert the date of coming into force of this Regulation*), an activity has not begun despite ministerial authorization being issued, a declaration of compliance being sent or a municipal permit being issued, and the regulatory class of the activity as of that date is subsequently lower as a result of the coming into force of the regulations establishing the new regime, the holder or declarant may carry out the activity in compliance with the requirements that applied before that date, without further formality.

13. If, on (*insert the date of coming into force of this Regulation*), an activity has not begun despite ministerial authorization being issued, a declaration of compliance being sent or a municipal permit being issued, and the regulatory class of the activity remains the same, but new requirements apply to the activity as of that date as a result of the coming into force of the regulations establishing the new regime, the holder or declarant may carry out the activity in compliance with the requirements that applied before that date, provided the activity is carried out as initially planned, unless a change is made in compliance with the new requirements.

A person failing to comply with the condition in the first paragraph is required to carry out the activity in compliance with the requirements that apply under the regulations establishing the new regime.

14. If, on (*insert the date of coming into force of this Regulation*), an activity has not begun despite ministerial authorization being issued, a declaration of compliance being sent or a municipal permit being issued, and the regulatory class of the activity as of that date is subsequently higher as a result of the coming into force of the regulations establishing the new regime, the holder or declarant may carry out the activity in compliance with the requirements that applied before that date, provided the activity is carried out as initially planned, unless a change is made in compliance with the new requirements.

A person failing to comply with the condition in the first paragraph is required to carry out the activity in compliance with the requirements that apply under the regulations establishing the new regime.

15. If, on (*insert the date of coming into force of this Regulation*), an application for ministerial authorization is still pending for an activity whose regulatory class as of that date is subsequently lower as a result of the coming into force of the regulations establishing the new regime, the applicant may,

(1) if the activity is subsequently eligible for a declaration of compliance under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q 2, r. 17.1), send such a declaration of compliance for the activity to the Minister in compliance with that Regulation. The following measures apply to the declaration:

(*a*) the information and documents required for the declaration of compliance that have already been sent for the purposes of the application for ministerial authorization need not be sent again;

(*b*) the fees that apply to the declaration of compliance are not payable if the fees for the application for ministerial authorization have been paid;

(2) if the activity is subsequently exempted from ministerial authorization, the applicant may rely on the exemption if

(*a*) the applicant informs the Minister that the application for ministerial authorization will be withdrawn; and

(*b*) for an activity requiring a municipal permit, the applicant makes a permit application to the relevant municipality in accordance with the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*).

16. If, on (*insert the date of coming into force of this Regulation*), a municipal permit application is still pending for an activity whose regulatory class as of that date no longer requires a permit as a result of the coming into force of the regulations establishing the new regime, the municipality must inform the applicant that consideration of the permit application is interrupted for that reason.

17. If, on (*insert the date of coming into force of this Regulation*), an application for ministerial authorization or a municipal permit is still pending for an activity whose regulatory class remains the same despite the coming into force of the regulations establishing a new regime,

(1) if additional information and documents are required for an application for ministerial authorization or a municipal permit as a consequence of the coming into force of the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*) or the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*), the applicant must complete the application by sending any additional information or documents required under those regulations to the Minister or the relevant municipality for the application to be admissible; and

(2) the applicant must carry out the activity in compliance with the requirements that apply under the regulations establishing the new regime once the ministerial authorization or municipal permit has been issued.

A declarant having sent a declaration of compliance less than 30 days before the date of coming into force of those regulations must complete the declaration in the same manner, as applicable, and carry out the activity in compliance with the requirements that apply under the regulations establishing the new regime.

18. If, on (*insert the date of coming into force of this Regulation*), a municipal permit application is still pending for an activity whose regulatory class as of that date is subsequently higher as a result of the coming into force of the regulations establishing the new regime, the applicant must withdraw the permit application made to the municipality and,

(1) if the activity subsequently requires ministerial authorization under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q 2, r. 17.1), send an application for authorization for the activity to the Minister, in compliance with that Regulation; or

(2) if the activity is subsequently eligible for a declaration of compliance, send such a declaration for the activity to the Minister, in compliance with that Regulation.

In the event where the coming into force of the regulations establishing the new regime results in the activity being prohibited, the activity may no longer be carried out.

DIVISION IV
FINAL

19. This Regulation comes into force (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the sustainable development of forests in the domain of the State

Sustainable Forest Development Act
(chapter A-18.1, s. 38, 1st and 2nd pars.)

1. The Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01) is amended in section 48 by replacing "a floodplain" wherever it appears by "the littoral zone".

2. This Regulation comes into force on (*insert the date occurring 180 days after the date of publication of the Regulation in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. *f*)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve aquatique de la Vallée-de-la-Rivière-Sainte-Marguerite (chapter C-61.01, r. 1.1) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

"(1) the terms "boundary of the littoral zone", "littoral zone", "wetland", "body of water", "lakeshore" and "riverbank" and "flood zone" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);".

2. Section 4 is amended by replacing "high-water mark" by "boundary of the littoral zone".

3. Section 6 is amended

(1) by striking out ", in particular a marsh, swamp or peat bog" in paragraph 1; and

(2) by replacing "floodplains" in paragraph 4 by "flood zone".

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité Akumunan

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. *f*)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité Akumunan (chapter C-61.01, r. 71.1) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

"(1) the terms "boundary of the littoral zone", "littoral zone", "wetland", "body of water", "lakeshore" and "riverbank" and "flood zone" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);".

2. Section 4 is amended by replacing "high-water mark" by "boundary of the littoral zone".

3. Section 6 is amended

(1) by striking out ", in particular a marsh, swamp or peat bog" in paragraph 1; and

(2) by replacing “floodplains” in paragraph 4 by “flood zone”.

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité des Buttes-et-Buttons-du-Lac-Panache

Natural Heritage Conservation Act
(chapitre C-61.01, a. 46, par. 1, sous-par. *f*)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité des Buttes-et-Buttons-du-Lac-Panache (chapter C-61.01, r. 71.2) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

“(1) the terms “boundary of the littoral zone”, “littoral zone”, “wetland”, “body of water”, “lakeshore” and “riverbank” and “flood zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);”.

2. Section 4 is amended by replacing “high-water mark” by “boundary of the littoral zone”.

3. Section 6 is amended

(1) by striking out “, in particular a marsh, swamp or peat bog” in paragraph 1; and

(2) by replacing “floodplains” in paragraph 4 by “flood zone”.

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité des Drumlins-du-Lac-Clérac

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. *f*)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité des Drumlins-du-Lac-Clérac (chapter C-61.01, r. 71.3) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

“(1) the terms “boundary of the littoral zone”, “littoral zone”, “wetland”, “body of water”, “lakeshore” and “riverbank” and “flood zone” have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);”.

2. Section 4 is amended by replacing “high-water mark” by “boundary of the littoral zone”.

3. Section 6 is amended

(1) by striking out “, in particular a marsh, swamp or peat bog” in paragraph 1; and

(2) by replacing “floodplains” in paragraph 4 by “flood zone”.

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité Kakinwawigak

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. *f*).

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité Kakinwawigak (chapter C-61.01, r. 72) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

"(1) the terms "boundary of the littoral zone", "littoral zone", "wetland", "body of water", "lakeshore" and "riverbank" and "flood zone" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);".

2. Section 4 is amended by replacing "high-water mark" by "boundary of the littoral zone".

3. Section 6 is amended

(1) by striking out ", including a marsh, swamp or peat bog" in paragraph 1; and

(2) by replacing "floodplains" in paragraph 4 by "flood zone".

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité Katnukamat

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. *f*)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité Katnukamat (chapter C-61.01, r. 73) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

"(1) the terms "boundary of the littoral zone", "littoral zone", "wetland", "body of water", "lakeshore" and "riverbank" and "flood zone" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);".

2. Section 4 is amended by replacing "high-water mark" by "boundary of the littoral zone".

3. Section 6 is amended

(1) by striking out ", including a marsh, swamp or peat bog" in paragraph 1; and

(2) by replacing "floodplains" in paragraph 4 by "flood zone".

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité Des Méandres-de-la-Taitaipenistouc

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. *f*)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité Des Méandres-de-la-Taitaipenistouc (chapter C-61.01, r. 74) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

"(1) the terms "boundary of the littoral zone", "littoral zone", "wetland", "body of water", "lakeshore" and "riverbank" and "flood zone" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);".

2. Section 4 is amended by replacing "high-water mark" by "boundary of the littoral zone".

3. Section 6 is amended

(1) by striking out ", including a marsh, swamp or peat bog" in paragraph 1; and

(2) by replacing "floodplains" in paragraph 4 by "flood zone".

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité de la Moraine-d'Harricana

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. *f*)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité de la Moraine-d'Harricana (chapter C-61.01, r. 75) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

"(1) the terms "boundary of the littoral zone", "littoral zone", "wetland", "body of water", "lakeshore" and "riverbank" and "flood zone" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);".

2. Section 4 is amended by replacing "high-water mark" by "boundary of the littoral zone".

3. Section 6 is amended

(1) by striking out ", in particular a marsh, swamp or peat bog" in paragraph 1; and

(2) by replacing "floodplains" in paragraph 4 by "flood zone".

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité Opasatica

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. *f*)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par.)

1. The Regulation respecting the Réserve de biodiversité Opasatica (chapter C-61.01, r. 76) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

"(1) the terms "boundary of the littoral zone", "littoral zone", "wetland", "body of water", "lakeshore" and "riverbank" and "flood zone" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);".

2. Section 4 is amended by replacing "high-water mark" by "boundary of the littoral zone".

3. Section 6 is amended

(1) by striking out ", including a marsh, swamp or peat bog" in paragraph 1; and

(2) by replacing "floodplains" in paragraph 4 by "flood zone".

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes

Natural Heritage Conservation Act
(chapter C-61.01, s. 46, par. 1, subpar. *f*)

Act to amend the Natural Heritage Conservation Act and other provisions
(2021, chapter 1, s. 62, 1st par)

1. The Regulation respecting the Réserve de biodiversité du Plateau-du-Lac-des-Huit-Chutes (chapter C-61.01, r. 77) is amended in section 2 by replacing paragraphs 1 and 2 by the following:

"(1) the terms "boundary of the littoral zone", "littoral zone", "wetland", "body of water", "lakeshore" and "riverbank" and "flood zone" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);".

2. Section 4 is amended by replacing "high-water mark" by "boundary of the littoral zone".

3. Section 6 is amended

(1) by striking out ", in particular a marsh, swamp or peat bog" in paragraph 1; and

(2) by replacing "floodplains" in paragraph 4 by "flood zone".

4. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting wildlife habitats

Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 128.1, s. 128.6, 2nd par., subpar. 2, and s. 128.18, pars. 1 and 2)

1. The Regulation respecting wildlife habitats (chapter C-61.1, r. 18) is amended in section 1,

(1) in the first paragraph,

(*a*) by replacing "a flood zone delimited by the mean boundary of the littoral zone for a 2-year period" in paragraph 1 by "a littoral zone";

(*b*) by striking out "where the limits of a flood zone cannot be established as indicated, they shall correspond to the boundary of the littoral zone;" in subparagraph 1;

(*c*) by replacing subparagraph 7 by the following:

"(7) a "fish habitat" means a wetland frequented by fish or the littoral zone of any lake or watercourse, including the portion of the St. Lawrence River situated west of the meridian of longitude 64°31'27''. Any other marine territory located east of that meridian or in the Baie des chaleurs is a fish habitat if it has been demarcated as such on a chart prepared by the Minister. Where within those habitats there is a flood protection work within the meaning of sections 1 and 2 of the Regulation respecting flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*), the boundary of the fish habitat will be situated at the two-year flood limit;"; and";

(2) by adding the following paragraph at the end:

"In addition, unless otherwise provided, the terms "watercourse", "pond", "littoral zone", "marsh", "swamp" and "wetland" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*). The term "ditch" has the meaning assigned by section 3 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).".

2. Section 17 is amended by striking out "where the fish habitat is a flood zone," in paragraph 2.

3. Section 42 is amended by replacing "bed and the banks" by "littoral zone".

4. Section 44 is amended by replacing "the flood zone" by "the littoral zone".

5. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting threatened or vulnerable plant species and their habitats

Act respecting threatened or vulnerable species
(chapter E-12.01, s. 10)

1. The Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3) is amended by replacing section 6 by the following:

"**6.** For the purposes of this Division, the terms "watercourse", "boundary of the littoral zone", "littoral zone", "lakeshore" and "riverbank", and "peatland" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).".

2. Section 7 is amended

(1) by replacing "Rivière" in the description of the Baie-des-Anglais (Montérégie) habitat in the French text by "rivière";

(2) by replacing "the bed and littoral, up to the boundary of the littoral zone," in the description of the Chenal-Proulx (Montérégie) habitat by "the littoral";

(3) by replacing "springs situated" in the description of the Joannès (Abitibi-Témiscamingue) habitat by "watercourses and their periphery situated";

(4) by replacing "the periphery of a spring and its effluents" in the description of the Lac-Berry (Abitibi-Témiscamingue) habitat by "a group of watercourses and their periphery";

(5) by replacing "the bed and littoral of the Montmorency river, up to the boundary of the littoral zone," in the description of the Marches-Naturelles (Capitale-Nationale) habitat by "the littoral of the Montmorency river,";

(6) by replacing "stream" in the description of the Mont-Logan (Bas-Saint-Laurent) habitat by "watercourse";

(7) by replacing "the banks of the Grande-Rivière river in Gaspésie, up to the boundary of the littoral zone," in the description of the Platières-de-la-Grande-Rivière (Gaspésie–Îles-de-la-Madeleine) habitat by "the littoral of the Grande-Rivière river from its mouth in the Baie des Chaleurs downstream to its confluence with the Grande Rivière Est";

(8) by replacing "the bed and littoral of the Jacques-Cartier river, up to the boundary of the littoral zone" in the description of the Rives-Calcaires-du-Pont-Déry (Capitale-Nationale) habitat by "the littoral of the Jacques-Cartier river";

(9) in the description of the Rivière-des-Mille-Îles (Laval et Lanaudière) habitat,

(*a*) by replacing "the bed and littoral of the Des Mille-Îles river, up to the boundary of the littoral zone" by "the littoral of the Des Mille-Îles river"; and

(*b*) by striking out "of the banks";

(10) by striking out "up to the boundary of the littoral zone," in the description of the Rivière-Godefroy (Centre-du-Québec) habitat; and

(11) by replacing "Tourbière-du-Lac-Maucôque" in the name of the Tourbière-du-Lac-Maucôque (Gaspésie–Îles-de-la-Madeleine) habitat by "Tourbière-du-Lac-du-Maucôque".

3. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Pesticides Management Code

Pesticides Act
(chapter P-9.3, ss. 101 and 105, and s. 109, 1st par., subpar. 2)

1. The Pesticides Management Code (chapter P-9.3, r. 1) is amended in the first paragraph of section 1.1

(1) by replacing subparagraph 1 by the following:

"(1) the terms "body of water", "boundary", "boundary of the littoral zone", "channel migration zone", "flood zone", "high-velocity flood zone", "lakeshore" and "riverbank", "littoral zone", "low-velocity flood zone", "peat bog", "swamp", "watercourse", "wetland" and "wooded peat bog" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(1.1) the "high flood hazard zone", "moderate flood hazard zone", "short-term channel migration zone" and "very high flood hazard zone" are the zones provided for in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas;";

(2) by replacing subparagraph 3 by the following:

"(3) despite subparagraph 1, a reference to a "wetland" or a "body of water" excludes a peat bog being harvested and a basin with no outlet;";

(3) by replacing "calculated" in the portion before subparagraph *a* of subparagraph 5 by "measured".

2. Section 4, as amended by the Regulation to amend the Pesticides Management Code, made by Order in Council 990-2023 dated 21 June 2023, is amended by striking out the second and third paragraphs.

3. Section 16 is amended

(1) in the first paragraph,

(*a*) by replacing "un pesticide" in the French text by "des pesticides";

(*b*) by inserting ", a very high flood hazard zone, a high flood hazard zone or a short-term channel migration zone" at the end;

(2) by adding the following at the end:

"Nor does the prohibition apply to the storage of Class 1, Class 2 or Class 3 pesticides in a very high flood hazard zone, a high flood hazard zone or a short-term channel migration zone if one of those classes of pesticides was already being stored in such an area on (*insert the date of coming into force of this Regulation*). As of that date, however, the storage capacity of an existing storage premises may not be increased.".

4. Section 17 is amended

(1) by inserting "or a moderate flood hazard zone" at the end of the first paragraph;

(2) by replacing subparagraph 3 of the second paragraph by the following:

"(3) the pesticides are stored above the moderate protection objective provided for in Schedule 3 to the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);";

(3) by adding the following at the end:

"Nor does the prohibition apply to the storage of Class 1, Class 2 or Class 3 pesticides in a moderate flood hazard zone if one of those classes of pesticides was already being stored in such an area on (*insert the date of coming into force of this Regulation*). As of that date, however, the storage capacity of an existing storage premises may not be increased.".

5. Section 30 is amended by replacing "340.1" in the second paragraph by "341.9".

6. Section 88.1, as amended by the Regulation to amend the Pesticides Management Code, made by Order in Council 990-2023 dated 21 June 2023, is amended in the first paragraph

(1) by replacing "of the vegetation strip referred to in subparagraph 1 of the first paragraph of section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)" in the portion preceding subparagraph 1 by "of a 3 m strip around a lake or along a watercourse and a 1 m strip along a ditch";

(2) by replacing "335.1" in the portion preceding subparagraph 1 by "339".

7. This Regulation comes into force on (*insert the date occurring 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting food

Food Products Act
(chapter P-29, s. 40, par. *c*)

1. The Regulation respecting food (chapter P-29, r. 1) is amended in section 7.3.1

(1) in the first paragraph,

(*a*) by replacing subparagraph *a* of subparagraph 5 by the following:

"*(a*) the burial site is not in the high-velocity flood zone, the very high or high flood hazard zone or the short-term channel migration zone of a lake or watercourse;";

(*b*) by replacing "watercourse or body of water" in subparagraph *b* of subparagraph 5 by "lake, watercourse or wetland";

(2) by replacing the third paragraph by the following:

"For the purposes of this section,

(1) the terms "channel migration zone", "flood zone", "high-velocity flood zone", "peatland", "watercourse" and "wetland" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) "high flood hazard zone", "short-term channel migration zone" and "very high flood hazard zone" are the zones described in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas;

(3) a reference to a "watercourse" excludes an intermittent watercourse;

(4) a reference to a "wetland" excludes a peatland.".

2. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6)

1. The Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin (chapter Q-2, r. 5.1) is amended in section 1 by adding "within the meaning of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*)" after "watercourse flow" in the definition of "transfer".

2. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting sand pits and quarries

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6)

1. The Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1) is amended in section 2 by adding the following at the end:

"In addition, for the purposes of this Regulation,

(1) the terms "watercourse", "marsh", "shrub swamp", "open peatland", "wetland" and "body of water" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) the term "riparian shrub swamp" means a shrub swamp located in a lakeshore or riverbank within the meaning of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas.".

2. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Design code of a storm water management system eligible for a declaration of compliance

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6)

1. The Design code of a storm water management system eligible for a declaration of compliance (chapter Q-2, r. 9.01) is amended by inserting the following after section 1:

"**1.1.** For the purposes of this Regulation, the terms "watercourse", "wetland" and "body of water" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).".

2. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the declaration of water withdrawals

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6)

1. The Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14) is amended in section 2 by inserting the following definition in alphabetical order:

""watercourse" means a watercourse within the meaning of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*); ".

2. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the liquid effluents of petroleum refineries

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6)

1. The Regulation respecting the liquid effluents of petroleum refineries (chapter Q-2, r. 16) is amended

(1) by striking out the paragraph lettering system and placing the definitions in alphabetical order;

(2) by inserting the following definition in alphabetical order:

""watercourse" means a watercourse within the meaning of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);".

2. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the burial of contaminated soils

Environment Quality Act
(chapter Q-2, s. 31.69, par. 5, s. 46.0.22, par. 6, and s. 95.1, 1st par., subpars. 3, 5 and 8)

1. The Regulation respecting the burial of contaminated soils (chapter Q-2, r. 18) is amended in section 1 by replacing the third paragraph by the following:

"Unless otherwise provided, for the purposes of this Regulation,

(1) the terms "watercourse", "wetland", "peatland", "flood zone", "low-velocity flood zone", "high-velocity flood zone" and "channel migration zone" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) "high flood hazard zone", "very high flood hazard zone" and "short-term channel migration zone" are the zones provided for in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas;

(3) a reference to a "watercourse" excludes an intermittent watercourse;

(4) a reference to a "wetland" excludes a peatland;

(5) soil includes sediments extracted from a lake, a watercourse or a wetland;

(6) an increase in capacity is included in the enlargement of a contaminated soil burial site.".

2. Section 6 is replaced by the following:

"**6.** The laying out of a contaminated soil burial site in the high-velocity or low-velocity flood zone, the very high or high flood hazard zone or the short-term channel migration zone of a lake or watercourse is prohibited.".

3. Section 10 is amended by replacing "watercourse or body of water" by "lake, watercourse or wetland".

4. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulatory amendments establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to activities covered by the sections amended by this Regulation.

5. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the landfilling and incineration of residual materials

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6, s. 70, pars. 4 and 5 and s. 95.1, 1st par., subpars. 3, 5 and 8)

1. The Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) is amended in section 1

(1) by striking out subparagraph 4 of the first paragraph;

(2) by adding the following paragraph at the end:

"In addition, unless otherwise provided,

(1) the terms "boundary", "boundary of the littoral zone", "channel migration zone", "flood zone", "high-velocity flood zone", "low-velocity flood zone", "peatland", "watercourse" and "wetland" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1);

(2) "high flood hazard zone", "short-term channel migration zone" and "very high flood hazard zone" are the zones described in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas;

(3) a reference to a "watercourse" excludes an intermittent watercourse;

(4) a reference to a "wetland" excludes a peatland;

(5) the relative distance to a lake or watercourse is measured horizontally from the boundary of the littoral zone and the relative distance to a wetland is measured horizontally from its boundary.".

2. Section 14 is replaced by the following:

"**14.** The siting of an engineered landfill in the high-velocity or low-velocity flood zone, the very high or high flood hazard zone or the short-term channel migration zone of a lake or watercourse is prohibited.".

3. Section 18 is amended by replacing "watercourse or body of water" in the second paragraph by "lake, watercourse or wetland".

4. Section 28 is amended by striking out "pond or" in the second paragraph.

5. Section 31 is amended by striking out "ponds or" in the fourth paragraph.

6. Section 65 is amended by striking out "pond," in the fourth paragraph.

7. Sections 88, 95, 104 and 114 are amended by replacing "watercourse or body of water", wherever appearing, by "lake, watercourse or wetland".

8. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulations establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to the activities referred to in the sections amended by this Regulation.

9. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting used tire storage

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6 and s. 95.1, 1st par., subpars. 20 and 21)

1. The Regulation respecting used tire storage (chapter Q-2, r. 20) is amended in section 2 by replacing subparagraph *c* of paragraph 8 by the following:

"(*c*) the location of public roads, access roads and lakes, as well as watercourses, ponds, swamps and high-velocity flood zones within the meaning of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*) located in that territory;

(*c*.1) the location of flood zones classed very high or high and of short-term channel migration zones provided for in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas located in that territory;".

2. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings

Environment Quality Act
(chapter Q-2, s. 46, par. 9, s. 46.0.22, par. 6, s. 87, par. *c* and s. 95.1, 1st par, subpars. 5 and 7)

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

1. The Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22) is amended in section 1

(1) by striking out the ordering letters and inserting the definitions in alphabetical order;

(2) by inserting the following definition in alphabetical order:

""groundwater level" means the seasonally high water table level established through a characterization study of the site and natural land using recognized soil and site assessment methods such as observation and interpretation of the redoximorphic features in the soil profile;";

(3) by adding the following paragraph at the end:

"In addition, unless otherwise provided,

(1) the terms "boundary", "boundary of the littoral zone", "flood zone", "lakeshore" and "riverbank", "littoral zone", "marsh", "pond" and "watercourse" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) a reference to a pond includes a commercial fishing pond and a pond for the production of aquatic organisms;

(3) a reference to a flood zone excludes the littoral zone, a lakeshore, riverbank, pond, marsh and a zone where there is a risk of erosion or landslide, present in the flood zone;

(4) the relative distance to a lake or watercourse is measured horizontally from the boundary of the littoral zone and the relative distance to a marsh or pond is measured horizontally from its boundary.".

2. The heading of Division III.1 is amended by striking out "FOR DISPOSAL SYSTEMS".

3. Section 7.1 is amended

(1) by inserting ", measured horizontally" at the end of paragraph *d*;

(2) by adding the following paragraph at the end:

"For the purposes of subparagraph *b* of the first paragraph, the disposal system or part of such system that is watertight must be installed in a manner such that every construction joint, connection port and service window in the system is situated above the groundwater level.".

4. Section 7.1.1 is amended

(1) by replacing the heading by "**Watertight systems on lakeshores and riverbanks**";

(2) by striking out "or landslide" in the second paragraph.

5. Section 7.2 is amended

(1) by inserting "measured horizontally from the end of the disposal system" at the end of subparagraph *d* of the first paragraph;

(2) by replacing the second paragraph by the following:

"For the purposes of subparagraph *b* of the first paragraph, the disposal system or part of such system that is not watertight must be installed in a manner such that the soil of the disposal site where the system is to be installed is situated in its entirety above the groundwater level.".

6. The following is inserted after section 7.2:

"**7.3. Watertight system, soil absorption field and facility in a flood zone:** A disposal system, a soil absorption field to which Divisions VI to IX apply, a facility to which Division X to XIV, XV.4 and XV.4.1 apply or part of such system, absorption field or facility may be installed in a flood zone only in the following cases:

(1) when the system, soil absorption field or facility is to serve a building referred to in section 2 that

(*a*) was built before 23 June 2021 in the flood zone in which the work is to take place;

(*b*) was built between 23 June 2021 and (*insert the date that occurs 180 days after the date of publication in the Gazette officielle du Québec of the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works*) in a flood zone and therefore was not subject to a prohibition on construction in that zone under the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (chapter Q-2, r. 32.2); or

(*c*) was built after (*insert the date that occurs 180 days after the date of publication in the Gazette officielle du Québec of the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works*) in a flood zone and is not subject to a prohibition on construction in that zone under the Regulation respecting regulatory measures for activities under the responsibility of municipalities that are carried out in bodies of water and on flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) when the system, soil absorption field or facility is to serve a site referred to in section 2 situated in a flood zone, and

(*a*) the site was developed before 23 June 2121;

(*b*) the site was developed between 23 June 2021 and and (*insert the date that occurs 180 days after the date of publication in the Gazette officielle du Québec of the Regulation respecting regulatory measures for activities under the responsibility of municipalities carried out in bodies of water and on flood protection works*) and no fixed building subject to a prohibition on construction in that zone under the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (*insert the reference to the Compilation of Québec Laws and Regulations*) is served by the system, soil absorption field or facility; or

(*c*) the site is developed after (*insert the date that occurs 180 days after the date of publication in the Gazette officielle du Québec of the Regulation respecting activities in wetlands, bodies of water and sensitive areas*) and no fixed building subject to a prohibition on construction in that zone under the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*) is served by the system, soil absorption field or facility;

(3) when the system, soil absorption field or facility is to serve a building or a site referred to in section 2 situated outside a flood zone.".

7. Section 52.1 is amended by replacing "watercourse or body of water" in the first paragraph by "lake, watercourse, marsh or pond".

8. Section 89 is amended by inserting "7.1.1," in the first paragraph after "7.3,".

9. This Regulation comes into force on *(indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec)*.

Regulation to amend the Agricultural Operations Regulation

Environment Quality Act
(chapter Q-2, ss. 31.0.6, 46.0.22, par. 6, s. 53.30, 1st par., subpars. 4 and 5, s. 70, pars. 4 and 5, and s. 95.1, 1st par., subpars. 3, 5 and 8)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, s. 30, 1st par.)

1. The Agricultural Operations Regulation (chapter Q-2, r. 26) is amended by replacing section 2.1 by the following:

"**2.1.** This Regulation does not apply to canid and felid raising facilities, fish farms, zoos, and zoological parks and gardens.".

2. Section 3 is amended in the second paragraph

(1) by replacing subparagraph 1 by the following:

"(1) the terms "boundary", "watercourse", "pond", "boundary of the littoral zone", "littoral zone", "wetland", "open wetland", "body of water", "flood zone", "high-velocity flood zone" and "channel migration zone" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

(1.1) "very high flood hazard zone" and "short-term channel migration zone" are the zones provided for in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas;";

(2) by replacing "calculated" in the portion before subparagraph *a* of subparagraph 3 by "measured".

3. Section 6 is amended by adding ", a very high flood hazard zone or a short-term channel migration zone" at the end of the second paragraph.

4. Section 30 is amended by replacing "340.1" in subparagraph 1 of the third paragraph by "341.9".

5. Section 43.6 is amended by inserting ", a very high flood hazard zone or a short-term channel migration zone" after "zone" in paragraph 1.1.

6. Section 56.1 is amended in the first paragraph by replacing

(1) "the vegetation strip referred to in the first paragraph of section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), subparagraph 1 of the" and "335.1" in the portion before subparagraph 1 by "a 3-m wide strip alongside a lake or a watercourse and a 1-m wide strip alongside a ditch, calculated from the top of the embankment, the" and "339", respectively;

(2) by replacing "33.1" in subparagraph 3 by "60".

7. Section 56.2 is amended

(1) by striking out "and except in the case of the vegetation strip referred to in subparagraph 1 of the first paragraph of section 335.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)";

(2) by replacing "335.1" by "339".

8. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulatory amendments establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to activities covered by the sections amended by this Regulation.

9. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting pulp and paper mills

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6, s. 70, par. 4 and s. 95.1, 1st par., subpars. 3, 5 and 8)

1. The Regulation respecting pulp and paper mills (chapter Q-2, r. 27) is amended in section 1

(1) by striking out the definition of "low-velocity flood zone" in the first paragraph;

(2) by adding the following paragraph at the end:

"As well, the terms "boundary of the littoral zone", "channel migration zone", "flood zone", "high-velocity flood zone", "low-velocity flood zone", "marsh", "pond", "watercourse" and "wetland" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).

In addition, "high flood hazard zones", "short-term channel migration zones" and "very high flood hazard zones" are the zones described in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas.".

2. Section 51 is amended

(1) by replacing "the sea, a watercourse or a lake within the meaning of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35)" in paragraph 1 by "a lake or a watercourse";

(2) by replacing "pond, marsh, swamp or bog" in paragraph 3 by "wetland".

3. Section 99 is amended

(1) by replacing paragraph 1 by the following:

"(1) in a high-velocity or low-velocity flood zone, a very high or high hazard flood zone or a short-term channel migration zone;";

(2) by replacing "sea, watercourse, pond, swamp or tidal flat" in paragraph 7 by "watercourse, pond or swamp".

4. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulations establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to the activities referred to in the sections amended by this Regulation.

5. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Snow, Road Salt and Abrasives Management Regulation

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6 and s. 95.1, 1st par., subpars. 3, 5 and 8)

1. The Snow, Road Salt and Abrasives Management Regulation (chapter Q-2, r. 28.2) is amended in section 3 by replacing paragraph 3 by the following:

"(3) the terms "boundary", "boundary of the littoral zone", "channel migration zone", "flood zone", "high-velocity flood zone", "watercourse" and "wetland" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*);

"(4) "short-term channel migration zones" and "very high flood hazard zones" are the zones described in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas.".

2. Section 6 is amended by replacing paragraph 2 by the following:

"(2) outside a high-velocity flood zone, a short-term channel migration zone or a very high flood hazard zone;".

3. Section 8 is amended by replacing paragraph 2 by the following:

"(2) outside a flood zone or a channel migration zone;".

4. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulations establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to the activities referred to in the sections amended by this Regulation.

5. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Water Withdrawal and Protection Regulation

Environment Quality Act
(chapter Q-2, s. 46, pars. 15 and 16, s. 46.0.22, par. 6, and s. 95.1, 1st par., subpars. 3, 5 and 8)

1. The Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2) is amended in section 2

(1) by striking out the definition of "watercourse" in the first paragraph;

(2) by replacing the second paragraph by the following:

"The terms "watercourse", "boundary of the littoral zone", "littoral zone", "riverbank or lakeshore", "flood zone", "low-velocity flood zone", "high-velocity flood zone" and "channel migration zone" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).

In addition, "high flood hazard zone", "low flood hazard zone", "medium flood hazard zone", "very high flood hazard zone" and "short-term channel migration zone" are the zones provided for in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas.".

2. Section 15 is amended by adding ", a very high or high flood hazard zone or a short-term channel migration zone" at the end of the first paragraph.

3. Section 29 is amended by replacing

(1) "or in a high-velocity flood zone" in paragraph 1 by ", a high-velocity flood zone, a very high or high flood hazard zone or a short-term channel migration zone";

(2) paragraph 6 by the following:

"(6) if the system is installed in a low-velocity flood zone or a medium or low flood hazard zone, it must be designed to prevent water infiltration during a flood and the work must be carried out below the soil's surface;".

4. Section 32 is amended by inserting ", a very high or high flood hazard zone or a short-term channel migration zone" after "zone" in the first paragraph.

5. Schedule IV is amended by replacing "body of water" in paragraph 2 of section 1 by "lake or watercourse".

6. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulatory amendments establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to activities covered by the sections amended by this Regulation.

7. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the protection of waters from pleasure craft discharges

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6)

1. The Regulation respecting the protection of waters from pleasure craft discharges (chapter Q-2, r. 36) is amended in section 1 by adding the following at the end:

"In addition, the terms "watercourse", "marsh" and "swamp" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).".

2. Schedule IV is amended by replacing "streams" in the description of the waters of the tributaries of Grand lac Saint-François in the section "Designated waters" by "watercourses".

3. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Land Protection and Rehabilitation Regulation

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6)

1. The Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) is amended in section 13.0.3 by inserting "within the meaning of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*)" at the end.

2. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations

Environment Quality Act
(chapter Q-2, s. 31.69, par. 5, s. 46.0.22, par. 6 and s. 95.1, 1st par., subpars. 3, 5 and 8)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, s. 30, 1st par.)

1. The Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46) is amended by replacing section 2 by the following:

"**2.** Unless otherwise provided, for the purposes of this Regulation,

(1) the term "contaminated soil transfer station" means any facility that receives contaminated soils to be stored temporarily before being transferred to a treatment site authorized under the Environment Quality Act (chapter Q-2) where they are to be totally or partially decontaminated;

(2) the terms, "channel migration zone", "flood zone", "high flood hazard zone" and "very high flood hazard zone", "low-velocity flood zone" and "high-velocity flood zone", "peatland", "short-term channel migration zone", "watercourse" and "wetland" have the meaning assigned by sections 4, 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1);

(3) the terms "high flood hazard zone", "short-term channel migration zone" and "very high flood hazard zone" are the zones described in sections 5 and 6 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas.".

(4) a reference to a "watercourse" excludes an intermittent watercourse;

(5) a reference to a "wetland" excludes a peatland;

(6) soil includes sediments extracted from a lake, a watercourse or a wetland; and

(7) an increase in storage capacity is included in the enlargement of a storage site or a transfer station.".

2. Section 13 is replaced by the following:

"**13.** A contaminated soil storage site may not be established in a high-velocity or low-velocity flood zone, a high or very high hazard flood zone or a short-term channel migration zone of a lake or watercourse.".

3. Section 38 is replaced by the following:

"**38.** A contaminated soil transfer station may not be established in a high-velocity or low-velocity flood zone, a high or very high hazard flood zone or a short-term channel migration zone of a lake or watercourse.".

4. Section 41 is amended by replacing "watercourse or body of water" by "lake, watercourse or wetland".

5. Section 68.6 is amended by replacing subparagraph 3 of the first paragraph by the following:

"(3) establishes a contaminated soil storage site in a flood zone or channel migration zone referred to in section 13 or a contaminated soil transfer station in a flood zone or channel migration zone referred to in section 38;".

6. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulations establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to the activities referred to in the sections amended by this Regulation.

7. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting hot mix asphalt plants

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6, and s. 95.1, 1st par., subpars. 3, 5 and 7)

1. The Regulation respecting hot mix asphalt plants (chapitre Q-2, r. 48) is amended in section 1

(1) by striking out paragraph *o*; and

(2) by adding the following paragraph at the end:

"In addition, the terms "watercourse" and "swamp" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and

sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*). "Watercourse" excludes however intermittent watercourses.".

2. Section 13 is amended in the first paragraph by replacing

(1) "**Hydrous environment**" by "**Siting standard**"; and

(2) "stream, river, sea, swamp or sandbank" by "watercourse or swamp".

3. This Regulation comes into force on (*indicate the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

Regulation to amend the Regulation respecting the reclamation of residual materials

Environment Quality Act
(chapter Q-2, s. 46.0.22, par. 6, s. 53.30, 1st par., subpars. 4 and 5, and s. 95.1, 1st par., subpars. 3, 5 and 8)

1. The Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49) is amended in section 3 by replacing paragraph 3 by the following:

"(3) the terms "boundary", "watercourse", "boundary of the littoral zone", "wetland", "flood zone" and "channel migration zone" have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).".

2. Section 5 is amended by replacing subparagraph 3 of the first paragraph by the following:

"(3) outside a flood zone or a channel migration zone.".

3. Section 6 is amended by replacing subparagraph 3 of the first paragraph by the following:

"(3) outside a flood zone or a channel migration zone.".

4. The transitional rules in the Regulation providing the transitional rules that apply to boundary changes for flood zones and channel migration zones and to the implementation of regulatory amendments establishing a new development regime in flood zones and regulating flood protection works (*insert the reference to the Compilation of Québec Laws and Regulations*) apply to activities covered by the sections amended by this Regulation.

5. This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

106893

Decisions

Decision 2327-2, 6 juin 2024

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1)

RESPECTING the Regulation to amend the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information

AS the Commission d'accès à l'information was established under the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);

AS, in accordance with section 104.1 of that Act, the members of the Commission d'accès à l'information are chosen beforehand according to the procedure for selecting persons qualified for appointment as members of the Commission established by regulation of the Office of the National Assembly;

AS the Office, by its Decision 1384 dated 25 October 2007, adopted the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information;

AS it is expedient to prescribe special rules for the composition of the selection committee in the case of a selection procedure to fill the position of chair of the Commission;

AS, in accordance with sections 8 and 10 of the Regulations Act (chapter R-18.1), a proposed regulation was published in the *Gazette officielle du Québec* on 17 April 2024;

AS it is expedient that the Office adopt the amending regulation;

IT IS THE DECISION OF THE OFFICE:

TO adopt the Regulation to amend the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information;

TO publish the regulation in the *Gazette officielle du Québec.*

NATHALIE ROY
President of the National Assembly

Regulation to amend the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1, section 104.1)

1. Section 4 of the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information, adopted by Decision 1384 dated 25 October 2007, is amended by adding the following paragraph at the end:

"However, when the position to be filled is that of chair of the Commission and the recruitment notice invites interested persons to submit their candidacy for that position, the President of the National Assembly, after consulting the Secretary General of the National Assembly, appoints a third person with pertinent experience in the field of access to documents held by public bodies or the protection of personal information, as a replacement for the chair of the Commission or another of its members. That person chairs the committee."

2. This regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec*.

106902