DIVISION III
RETURN OF REDEEMABLE CONTAINERS AND REFUNDING

§1. Return sites for redeemable containers and refunding

25. Every place where a person may return a redeemable container and obtain a refund for the amount of the deposit on the container, referred to as a "return site", must comply with the following requirements:

(1) all redeemable containers must be accepted;

(2) reusable containers must be handled in a manner that allows their reuse;

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

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

(5) a recovery bin, other than a garbage container, for the disposal of containers rejected when they are returned and also for the disposal of boxes or other recipients used to transport redeemable containers, must be situated in the client area and be clearly marked for that purpose;

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

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

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

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

(10) except in isolated or remote territories, the site must have year-round road access;

(11) the site must be situated within a radius of not more than 1 km from a retail establishment operated by a retailer, except in the case of a group referred to in section 49.

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

26. Only the following personal information may be required from a person to whom a deposit is refunded electronically:

(1) name;

(2) address;

(3) telephone number;

(4) email address.

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

When a return site is installed by a single retailer outside an establishment, operated by the retailer, to which the site is associated, the site must be open during the same business hours as that of the establishment.

When a return site is installed by a group of retailers outside the establishments they operate and the business hours of each of those establishments are shorter than the period referred to in the fourth paragraph, the site must be open during the business hours of the establishment that is open the longest.

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

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

29. Various types of return sites may be installed at the same location. In such a case they are counted as one return site for the purposes of sections 41 and 42.

30. Except where the requirements of this Division apply, the organization of a return site, including its location, its form and the equipment therein, is a responsibility of the producer or, as the case may be, of the retailer referred to in section 45 if the retailer and the producer have not entered into a contract pursuant to section 47.

31. Return sites are of three types:

(1) return points;

(2) return centres;

(3) bulk return points.

§§1. Return points

32. A return point is designed to accept up small quantities of redeemable containers.

33. In addition to the requirements of sections 25 to 29, a return point must meet the following requirements:

(1) it offers refunding on site, in cash, of the deposit for a redeemable container;

(2) it has enough space for two persons at a time;

(3) it is at a moderate temperature.

34. The manager of a return point may limit the number of redeemable containers that a person may return on each visit. However, that number may not be less than 50.

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

§§2. Return centres

35. A return centre is designed to accept both small and large quantities of redeemable containers at each visit. It may also, in certain cases, be used as a site where the operations for containers from other return sites are centralized.

36. In addition to the requirements of sections 25 to 29, a return centre must meet the following requirements:

(1) refunding of the deposit by a secure electronic process, within two consecutive business days of the transaction at the centre is offered on site;

(2) it is at a moderate temperature;

(3) the manager of the centre ensures that personnel members are present during business hours to provide assistance to the clients.

37. The manager of a return centre may not limit the number of redeemable containers that may be returned on each visit.

§§3. Bulk return points

38. A bulk return point is a site where redeemable containers are returned using a recipient whose dimensions, material, colour and all other elements are determined by the producer that designed and implemented the deposit-refund system of which it forms a part.

39. In addition to the requirements of sections 25 to 29, a bulk return point must meet the following requirements:

(1) it offers refunding of the deposit by any means considered appropriate by the manager of the site;

(2) the refunding of the deposit by an electronic process is secure and completed within a maximum of seven days of the return of the containers at the site;

(3) the use of reusable transportation recipients is encouraged.

40. The manager of a bulk return point may not limit the number of redeemable containers that may be returned at each visit.

§2. Distribution of return sites

41. Beginning in the sixteenth month following (*insert the date of coming into force of this Regulation*), every producer must ensure that a minimum of 1,500 return sites, excluding bulk return sites, are functional across the administrative regions, with the exception of unorganized territories situated in those regions.

The producer must also ensure that the return sites are functional in isolated or remote territories, respecting the number of sites provided for in those territories in a contract entered into under section 57 or, if there is no contract, the number of sites provided for in section 59.

Each administrative region must have a minimum number of return points per number of inhabitants, as follows:

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

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

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

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

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

42. In addition to the requirements of section 41, every producer must ensure that there are, in each regional municipality, at least two return sites at which it is possible to return an unlimited number of containers at each visit.

The producer must also ensure that the return sites in each regional municipality are able, globally, to accept at least 80% of the redeemable containers in which a product is commercialized, marketed or other distributed in that regional municipality.

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

The population of the Aboriginal communities referred to in the third paragraph is counted in the section of the website of the Ministère des Affaires municipales et de l'Habitation on municipal organization and that is not counted in the order referred to in the third paragraph.

The number of inhabitants in a regional municipality is calculated by adding the number of inhabitants of each local municipality within it, that number being established by the order referred to in the third paragraph to which is added the number of inhabitants that are part of any Aboriginal community present in the regional municipality.

43. Every producer must, not later than the date that occurs three years after the date of coming into force of this Regulation, submit to the Société and to the Minister a plan containing all the measures it intends to implement for the return of redeemable containers in which products are consumed in a public space, including

(1) the spaces targeted;

(2) the types of devices, recipients and other equipment that will be installed;

(3) the person by whom and manner in which the operation of the devices and the maintenance and replacement of the devices, recipients and other pieces of equipment will be assured;

(4) the terms and conditions applicable to the recovery of redeemable containers; and

(5) a timeframe for the implementation of the measures, for two thirds of the public places targeted, within two years following the time limit set, and within three years for all the public places targeted.

Where the requirement provided for in the first paragraph is, pursuant to section 91, imposed on a designated management body, the plan must be sent not later than the date that occurs three years after the date of its designation.

Any part of a building, land, public road or other place that is accessible to the public on a continuous, periodic or occasional basis, except an establishment operated by a retailer or an establishment offering on-site consumption, is a public space.

44. Every producer must, not later than the fifteenth day following (insert the date of the last day of the sixteenth month following the date of coming into force of this Regulation), draw up a list of all return sites operating throughout Québec and map them. The producer must update the list and map and make them accessible to the public via a website.

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

§3. Retailers

45. Every retailer must, for each establishment the retailer operates in which products are offered for sale in a redeemable container, accept the redeemable containers that are returned to the retailer and refund the deposit amount, except if the area of the part of the establishment reserved for sales is equal to or less than 375 square metres.

46. Redeemable containers must be accepted by a retailer and the deposit must be refunded at a return site in accordance with sections 25 to 40.

Every producer must ensure that a return site is installed for each establishment referred to in section 45.

47. From the fourth month following (*insert the date of coming into force of this Regulation*), every producer must take steps to enter into a contract with every retailer which, once signed, must specify

(1) the location, number, type and layout of the return sites that will be installed;

(2) whether it is the producer or the retailer who is responsible for installing and managing the return sites;

(3) the terms and conditions applicable to the access to the return sites and the parking spaces available close to the sites;

(4) the types of devices and other equipment that will be installed for the return of redeemable containers and the person responsible for their purchase or leasing and their maintenance and replacement;

(5) the terms and conditions applicable to the maintenance and replacement of the devices and other pieces of equipment installed;

(6) if applicable, the number of redeemable containers that it will be possible to return at each visit;

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

(8) the terms and conditions applicable to the storing the containers returned;

(9) the mode or modes for refunding deposits that will be offered;

(10) the terms and conditions applicable to client service for the return sites;

(11) the terms and conditions applicable to the refunding to the manager of a return site the deposit that the manager has refunded for the return of redeemable containers;

(12) the management process for the redeemable containers rejected by a device;

(13) the management process for containers that are non-returnable and for the recipients used to transport containers that are abandoned in a return site, until a system harmonization agreement is entered into pursuant to section 142 or an arbitration award is rendered pursuant to Division II of Chapter IV;

(14) the terms and conditions applicable for collecting redeemable containers and containers that are non-refundable and recipients referred to in subparagraph 13 from the return sites, including the frequency of collection, until, in the case of the containers and recipients referred to in subparagraph 13, a system harmonization agreement is entered into pursuant to section 142 or an arbitration award is rendered pursuant to Division II of Chapter IV;

(15) the costs relating to

(*a*) the installation and operational and financial management of the return sites;

(*b*) modifications to an existing establishment to allow the installation of a return site;

(*c*) the purchase or leasing of the devices that will be installed in a return site;

(*d*) the maintenance and replacement of the devices; and

(*e*) training for the personnel members responsible for client services and the handling of containers, on deposit or not, as well as recipients used to transport those containers for their collection from a return site;

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

(17) if a single return site is installed for more than one establishment, the responsibilities of each retailer operating one or more establishments with respect to the elements in subparagraphs 1 to 16;

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

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

(20) the duration of the contract;

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

(22) the dispute resolution method.

In the cases referred to in subparagraphs 13 and 14 of the first paragraph, the producer and the retailer must attempt to agree, within three months from the date of the signing of a system harmonization agreement or an arbitration award, on the terms and conditions applicable to the elements listed in those subparagraphs, if the elements are covered by the agreement or the arbitration award and the producer and the retailer do not comply with what is provided for in their respect in the agreement or award. If they agree on the terms and conditions, they must sign an agreement, which becomes an integral part of the contract entered into pursuant to the first paragraph as of the date on which the contract is signed.

If the producer and the retailer do not agree on the elements listed in subparagraphs 13 and 14 of the first paragraph at the end of the three-month period provided for in the second paragraph, section 50 applies, with the necessary modifications.

At the end of the three-month period following the mediation provided for in section 50, if the parties still do not agree, the Société determines, within 30 days after that time limit, the obligations of the producer and the retailer with respect to the elements listed in subparagraphs 13 and 14 of the first paragraph.

48. Several retailers may group together to fulfill their obligations under this subdivision, on condition that the group has obtained prior approval from any producer that has developed and implemented the deposit-refund system, but remain individually responsible for compliance.

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

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

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

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

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

50. If, at the end of the ninth month following (*insert the date of coming into force of this Regulation*), a producer and a retailer have not succeeded in entering into a contract pursuant to section 47 or have not succeeded in agreeing on all the elements to be included in such a contract, they must, within 14 days after the time limit, submit the elements on which they disagree to a mediator who is accredited by a body recognized by the Minister of Justice and whose head office is located in Québec. The producer and the retailer pay the mediator's fees in equal shares, along with the costs incurred by the mediator.

The Minister and the Société must be notified by the producer in writing, within the same 14-day time limit, of the elements of the dispute preventing the entering into a contract and of the choice of a mediator.

The Minister and the Société must be notified in writing by the mediator, within 14 days following the end of the mediation process, of its total or partial success, its failure or the fact that the producer and the retailer discontinued their application. They are also notified in writing, if the mediation was partially successful, of the elements on which the parties still disagree.

51. Not later than the twelfth month following (*insert the date of coming into force of this Regulation*), if a producer and a retailer have still not succeeded in entering into a contract pursuant to section 47, the retailer is required to install, within three months of that date, a return point or return centre for each establishment it operates and in which it sells a product in a redeemable container. Sections 25 to 40 apply to the retailer.

The producer must, in such a case,

(1) reimburse to the retailer, within 30 days of the filing of a claim by the retailer, the amounts spent to meet the obligation imposed on the retailer by the first paragraph, and the amounts that the retailer incurs to cover the elements listed in subparagraph 14 of the first paragraph of section 47; the claim must detail the costs claimed and include the documents that show those costs; and

(2) ensure that the redeemable containers stored at the site are collected at least twice per week.

The retailer must provide the producer, within the time set by the producer, with all the information and documents requested by the producer concerning the elements listed in subparagraphs 1, 3, 6 to 10 and 12 of the first paragraph of section 47.

52. Every retailer is required, for each establishment operated in which the retailer sells a product in a redeemable container, to post clearly, inside the establishment at the place where the product is offered for sale, the amount of the deposit for the container.

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

53. Every retailer is required, for each establishment operated in which the retailer sells a product in a redeemable container, to post clearly, in or at the entrance to the establishment, the address of the return site for that establishment, if its area is greater than 375 square metres, or the address of the return site nearest to the establishment, if its area is equal to or less than 375 square metres.

54. Despite section 51, a contract between a producer and a retailer may be entered into at any time after the expiry of the time specified in that section. In such a case, the clauses of the contract are substituted for the obligations provided for in that section.

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

56. This subdivision does not apply in isolated or territories and unorganized territories, or to establishments offering on-site consumption.

§4. Isolated or remote territories and establishments offering on-site consumption

§§1. Isolated or remote territories

57. Every producer must offer the authorities responsible for the administration of isolated or remote territories to install, in those territories, return sites for redeemable containers in which products are sold.

For that purpose, the producer must, from the fourth month following (*insert the date of coming into force of this Regulation*), begin a process with each authority to enter into a contract which, once signed, must specify at least

(1) the location, number, type and layout of the return sites that will be installed;

(2) the person responsible for installing the return site or sites and the person responsible for managing the return site or sites;

(3) the terms and conditions applicable to the access to the return sites and their business hours;

(4) the type of devices that may be installed at a return site and the person responsible for their purchase or leasing, maintenance and replacement;

(5) the terms and conditions applicable to the maintenance and replacement of the devices installed;

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

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

(8) the management mode for the return sites;

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

(10) the mode or modes for refunding deposits that will be offered;

(11) the terms and conditions applicable to client service at the return sites;

(12) the terms and conditions applicable to the refunding by the producer to the manager of a return site the deposits that the manager has refunded for the return of redeemable containers;

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