

Bill 44

**An Act mainly to ensure effective
governance of the fight against climate
change and to promote electrification**

Section 17

AMENDMENT:

Replace by:

17. Section 46.4 of the Act is amended

(1) by inserting “, which may not be inferior to 37.5%,” after “for Québec” in the first paragraph;

(2) by inserting “as well as scientific consensus regarding climate change” at the end of subparagraph 2 of the third paragraph.

adopté
ALC

Bill 44

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Section 1

AMENDMENT:

In proposed section 10.1:

1. Insert “environmental,” before “economic” in the second paragraph.
2. Insert “shall ensure compliance with the greenhouse gas reduction targets set by the Government under section 46.4 of the Environment Quality Act (chapter Q-2). The Minister” after “The Minister” in the third paragraph.

*Adopté
APC.*

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Section 1

AMENDMENT:

Replace the fourth paragraph of proposed section 10.1, as amended, by:

The Minister must be consulted when measures that could have a significant impact in the fight against climate change are developed. The Minister shall give the other ministers and the public bodies any opinion he considers appropriate to promote the fight against climate change and reduce climate risks, and shall recommend to them any adjustments necessary for those purposes, in particular when a proposed measure, in his opinion,

(1) does not comply with the principles and objectives set out in the climate change framework policy provided for in section 46.3 of the Environment Quality Act (chapter Q-2);

(2) does not comply with the greenhouse gas reduction or limitation targets set under section 46.4 of that Act; or

(3) does not allow sufficient adaptation to climate change.

Adopté
APC

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Section 1.1

AMENDMENT:

Insert after section 1:

1.1. Section 11 of the Act is amended by replacing “shall be responsible for the implementation and coordination of these policies” in the second paragraph by “is responsible for ensuring the implementation of the policies and coordinating their application”.

Adopté
APC

SAM 1
AM 5
s. 3 (12.1)

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Section 3

AMENDMENT:

In proposed section 12.1, as amended:

1. Replace “may” in the first paragraph by “must”.
2. Replace “may” in the second paragraph by “must”.

*Adopté
APC*

SAM 2
AM 5
s. 3 (12.1)

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Section 3

AMENDMENT:

Add “and must be made public” at the end of the third paragraph of proposed section 12.1, as amended.

Adopté
ATC

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Section 3

AMENDMENT:

Replace proposed section 12.1 by:

12.1. In the exercise of his functions under section 10.1, the Minister may give directives to the departments and public bodies concerning the methods they must apply in order, in particular, to calculate the quantity of greenhouse gas emitted, reduced, prevented or limited or the quantity removed from the atmosphere, to quantify other elements or factors that contribute to global warming and assess their effects as well as the effects of greenhouse gases on global warming, or to assess the risks related to the impacts of global warming and of climate change and integrate them into adaptation to those impacts, if such methods are not otherwise prescribed by law.

The Minister may also give them directives concerning the methods to be applied for the reporting associated with the implementation of the climate change framework policy.

Such directives are binding on the departments and public bodies concerned.

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APC

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Section 3

AMENDMENT:

Replace “a legal person or another body” in the first paragraph of proposed section 12.2 by “another legal person, an Aboriginal community or any other body”.

*Adopté
APC.*

SAM 1
AM 7
s. 4 (15.0.1)

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Section 4

AMENDMENT:

Add the following sentence at the end of the first paragraph of proposed section 15.0.1, as amended: "The members must be independent, that is, they must have no relationships or interests that could interfere with the pursuit of the committee's mission."

*Adopté
APC*

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Section 4

AMENDMENT:

In proposed section 15.0.1:

1. Insert “, composed of not fewer than 9 nor more than 13 members,” after “climate change”.
2. Add the following paragraph at the end:

The committee acts with full independence in accordance with this division.

Adopté
APC.

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Section 4

AMENDMENT:

Replace the first paragraph of proposed section 15.0.2 by:

The Government appoints the committee chair after consulting the chief scientist appointed under section 26 of the Act respecting the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1).

The Minister then appoints the other committee members he chooses from among the persons appearing on a list jointly established by the committee chair and the chief scientist.

The members must collectively have significant and multidisciplinary expertise and experience regarding the fight against climate change and the majority must be from the scientific community.

Adopté
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Section 4

AMENDMENT:

Add the following paragraph at the end of proposed section 15.0.3:

The Minister may request a department or body to provide him, within the time he specifies, with any information or document necessary for the pursuit of the committee's mission. The Minister then sends the information or document obtained to the committee.

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Section 4

AMENDMENT:

Replace “with a view to continuous improvement and taking” in proposed section 15.0.3 by “, taking”.

Adopté
AFC.

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Section 4

AMENDMENT:

Add “as well as scientific consensus” after “science and technology” in proposed section 15.0.3.

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APC

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Section 4

AMENDMENT:

Insert the following sections after proposed section 15.0.4:

“15.0.4.1. The committee members are appointed for a term of up to three years.

At the expiry of their term, they remain in office until reappointed or replaced.

“15.0.4.2. A vacancy on the committee is filled in accordance with the rules of appointment to the committee.

Loss of the status required or an unexplained absence from the number of consecutive meetings stipulated in the committee’s by-laws, in the cases and circumstances set out in the by-laws, constitutes a vacancy.

“15.0.4.3. The committee members receive no remuneration except in the cases, on the conditions and to the extent the Government may determine.

They are, however, entitled to be reimbursed for any expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

“15.0.4.4. The committee may make any by-law concerning the exercise of its functions and its internal management.

“15.0.4.5. The quorum at committee meetings is a majority of the voting members.

The committee’s advice and by-laws are adopted by a majority of the members present.

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“15.0.4.6. The secretary and the other personnel members of the committee are appointed in accordance with the Public Service Act (chapter F-3.1.1).

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Section 6

AMENDMENT:

Add the following sentence at the end of the second paragraph of proposed section 15.1: "Controlling greenhouse gas emissions produced throughout Québec is one of its priorities."

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Section 6

AMENDMENT:

Insert “mobilization,” after “and public” in the third paragraph of proposed section 15.1.

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APC.

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Section 6

AMENDMENT:

Add at the end of the third paragraph of proposed section 15.2:

(5) determines and makes public the performance indicators used to measure achievement of the results of the measures financed by the Fund.”

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APC

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Section 8

AMENDMENT:

Add “and more specifically to shared transportation and sustainable mobility” at the end of the first paragraph of proposed section 15.4.1.

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APC.

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Section 10

AMENDMENT:

Replace “An agreement or mandate must” in the third paragraph of proposed section 15.4.3 by “Every agreement and mandate must be made public and”.

Adopté
ARC

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Section 12

AMENDMENT:

Replace by:

12. Section 15.4.38 of the Act is amended

(1) by adding the following subparagraphs at the end of the second paragraph:

“(7) residual materials management, to ensure safe and sustainable management of residual materials by preventing or reducing their production, promoting their recovery and reclamation, and reducing the quantities to be eliminated; and

“(8) water governance that complies with the governance scheme established by the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2).”;

(2) in the third paragraph,

(a) by inserting “and social” after “technical”;

(b) by replacing “, and public” by “and public mobilization,”.

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Section 14.1

AMENDMENT:

Insert after the heading of Division II:

14.1. The preliminary provision of the Environment Quality Act (chapter Q-2) is amended by replacing the first paragraph by the following paragraphs:

“The purpose of this Act is to protect the environment and the living species inhabiting it, to the extent provided for by law. The Act makes it possible to take into consideration issues related to the protection of human health and safety as well as the realities of the territories and the communities living in them.

In order to respond to climate urgency and with a view to ensuring a fair transition for all that takes into account, among other things, the environmental, economic and social consequences, this Act promotes the reduction of greenhouse gases as well as adaptation to climate change and makes it possible to take into consideration the evolution of knowledge and technologies as well as the issues related to climate change.”

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Section 16

AMENDMENT:

In proposed section 46.3:

1. Strike out the last sentence.
2. Add the following paragraphs at the end:

During preparation of the policy, the Minister shall consult the population. The Minister shall also ensure, where circumstances so require, that specific consultation procedures are defined for Aboriginal communities in a spirit of cooperation with those communities.

The Minister is responsible for ensuring the implementation of the framework policy and coordinating its application.”

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Section 17

AMENDMENT:

In proposed section 17, as amended:

1. Insert the following paragraph after paragraph 1:

(1.1) by adding the following sentence at the end of the second paragraph:
“Before such targets are set, the Minister must seek the advice of the advisory committee on climate change regarding the targets to be set.”;

2. Add the following paragraphs at the end:

(3) by replacing “any Canadian intergovernmental agreement or international agreement made for that purpose” in subparagraph 4 of the third paragraph by “any international commitment made or Canadian intergovernmental agreement entered into in accordance with the applicable legislative provisions for that purpose”;

(4) in the fourth paragraph,

(a) by replacing “Target-setting under this section” by “The setting of the target referred to in the first paragraph”;

(b) by adding the following sentence at the end: “No such consultations may be held until the advisory committee on climate change has made public its advice regarding the target to be set.”;

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

“The target referred to in the first paragraph must be reviewed at least every five years according to the same rules as those used to set it.”

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Section 18

AMENDMENT:

Replace “or in the removal of greenhouse gases from the atmosphere” in subparagraph 2 of proposed paragraph 1 by “or in the removal of such gases from the atmosphere, which removal may result from their sequestration”.

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Section 19

AMENDMENT:

Insert "at" after "emissions or" in the third paragraph of proposed section 46.8.1.

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Section 19

AMENDMENT:

Replace proposed section 46.8.2 by:

“46.8.2. The Minister may, by regulation,

(1) determine the projects that are eligible for offset credits;

(2) determine the conditions and methods applicable to those projects;

and

(3) determine the information or documents relating to a project referred to in paragraph 1 or to a project whose eligibility for such credits must be determined

(a) that must be kept or provided to the Minister by the person or municipality responsible for carrying out the project; and

(b) that may be published by the Minister on his department’s website or by any other means he considers appropriate.”

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Section 29

AMENDMENT:

Replace “and 732-2019 (2019, G.O. 2, 3097, French only)” by “, 732-2019 (2019, G.O. 2, 3097, French only), 469-2020 (2020, G.O. 2, 2394, French only) and 687-2020 (2020, G.O. 2, 3063, French only)”.

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Section 41

AMENDMENT:

Insert “financing of” after “reserved for the” in the first paragraph of proposed section 15.4.1.

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Section 42.1

AMENDMENT:

Insert after section 42:

42.1. The Government must, not later than 31 December 2025, carry out the first review of the overall greenhouse gas reduction target for Québec under section 46.4 of the Environment Quality Act, as amended by section 17.

Adopté
APC

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Section 1

AMENDMENT:

Replace “the latter” in the first paragraph of proposed section 10.1, as amended, by “the fight against climate change, in particular with a view to State exemplarity in the matter”.

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Section 44

AMENDMENT:

Insert at the end of proposed section 17.1.3:

The Minister may, in order to ensure consistency among the programs and measures or if he considers that they will not make it possible to meet the policy directions, general objectives and targets, request that a department, body or identified energy distributor make the necessary changes to the programs or measures for which it is responsible, except those approved under section 85.41 of the Act respecting the Régie de l'énergie (chapter R-6.01).

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APC

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Section 44

AMENDMENT:

Insert "In keeping with the principle of sustainable development," at the beginning of the first paragraph of proposed section 17.1.4.

Adopté
APC.

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Section 44

AMENDMENT:

Insert after proposed section 17.1.11:

“17.1.12. For the purposes of this division, the Minister may request that a department, body or energy distributor provide to the Minister, within the time the Minister specifies, any information or document the Minister considers necessary.

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Section 44.1

AMENDMENT:

Insert after section 44:

44.1. Section 17.12.12 of the Act is amended by striking out “, as well as geoscience knowledge acquisition and dissemination, and research and development in petroleum, natural gas, underground reservoirs and brine” in subparagraph 5 of the first paragraph.

Adopté
APC

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Section 55

AMENDMENT:

Replace by:

55. Section 21 of the Act respecting Investissement Québec (chapter I-16.0.1) is amended by

- (1) striking out subparagraph 2 of the second paragraph;
- (2) striking out the third paragraph.

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Sections 55.1

AMENDMENT:

Insert after section 55:

PETROLEUM PRODUCTS ACT

55.1. Section 1 of the Petroleum Products Act (chapter P-30.01) is amended by inserting “and reduce the negative impacts on persons, property and the environment of manufacturing, distributing and using such products” at the end of paragraph 2.

Adopté
APC

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Section 55.2

AMENDMENT:

Insert after section 55.1, introduced by amendment:

55.2. The heading of Chapter II of the Act is amended by replacing “QUALITY STANDARDS” by “STANDARDS REGARDING QUALITY AND IMPACTS”.

Adopté
APC

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Section 55.3

AMENDMENT:

Insert after section 55.2, introduced by amendment:

55.3. Section 4 of the Act is amended by replacing “composed” and “danger to” by “manufactured and distributed” and “negative impacts on”, respectively.

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APC

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Section 55.4

AMENDMENT:

Insert after section 55.3, introduced by amendment:

55.4. Section 5 of the Act is amended

- (1) in the first paragraph,
 - (a) by inserting “and its components” after “any petroleum product”;
 - (b) by replacing “quality standards and” by “standards regarding their quality and impacts as well as”;
 - (c) by adding the following at the end: “The Government may also prescribe, subject to the conditions and procedure it determines, the setting up of a mechanism for the purchase and sale of credits to promote compliance with the standards and specifications determined by regulation. The Minister may determine the measurement methods and tools for the application of the standards and specifications.”;
- (2) by replacing the second paragraph by the following paragraph:

“A person who manufactures, distributes or sells a petroleum product must comply with the standards or specifications prescribed by regulation.”;
- (3) by replacing “for the integration” in the third paragraph by “regarding environmental impacts and the integration”.

Adopter
APC

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Section 55.5

AMENDMENT:

Insert after section 55.4, introduced by amendment:

55.5. Sections 72 and 94 of the Act are amended by replacing all occurrences of “declaration” and “declarations” by “statement” and “statements”, respectively.

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Section 55.6

AMENDMENT:

Insert after section 55.5, introduced by amendment:

55.6. Section 96 of the Act is amended, in the first paragraph:

(1) by replacing subparagraph 4 by the following subparagraph:

“(4) determine, among the provisions of a regulation, those whose violation constitutes an offence”;

(2) by adding the following subparagraph after subparagraph 5:

“(6) prescribe the transmission to the Minister or any other person or body, at the intervals and on the conditions the Minister determines, any information, statement or other document by a person governed by this Act or the regulations and prescribe the keeping of a register by such a person in the form and on the conditions the Minister determines.”

Adopté
APC

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Section 55.7

AMENDMENT:

Insert after section 55.6, introduced by amendment:

55.7. Section 97 of the Act is amended

- (1) by inserting “, specifications” after “standards”;
- (2) by replacing “types of petroleum products” and “how, where and by whom they are used” by “petroleum product or its components” and “how, in which territories and by which class of persons they are used”, respectively.

Adopté
APC

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Section 55.8

AMENDMENT:

Insert after section 55.7, introduced by amendment:

55.8. Section 98 of the Act is repealed.

Adopté
APC

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Section 55.9

AMENDMENT:

Insert after section 55.8, introduced by amendment:

55.9. Section 99 of the Act is replaced by the following section:

“99. Anyone who contravenes any of the provisions of section 15 commits an offence and is liable to a fine in the amount of \$5,000 to \$125,000 in the case of a natural person and \$10,000 to \$250,000 in all other cases or in an amount corresponding to the cost to rebuild the petroleum product manufacturing plant, if the latter amount is higher.”

Adopté
APC

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Section 55.10

AMENDMENT:

Insert after section 55.9, introduced by amendment:

55.10. Section 103 of the Act is replaced by the following section:

“103. Anyone who

(1) contravenes a provision of the second paragraph of section 5 or of one of sections 71, 72, 73, 74, 75, 76 or 94,

(2) in carrying out this Act and the regulations, enters false or misleading data in a register or makes a false or misleading statement to the Minister, or who participates in or consents to such entries or statements, or

(3) contravenes a regulatory provision whose violation constitutes an offence

commits an offence and is liable to a fine of \$5,000 to \$125,000 in the case of a natural person and \$10,000 to \$250,000 in all other cases.”

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Section 55.11

AMENDMENT:

Insert after section 55.10, introduced by amendment:

55.11. Section 106 of the Act is replaced by the following section:

“106. Despite section 103, the Government may set the minimum and maximum fines to which a person who contravenes a regulatory provision whose violation constitutes an offence is liable.

The maximum penalties under the first paragraph may not exceed those prescribed in section 103.”

Adopté
APC

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Section 55.12

AMENDMENT:

Insert after section 55.11, introduced by amendment:

55.12. Section 110 of the Act is amended by striking out “98,”.

Adopté
APC

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Section 55.13

AMENDMENT:

Insert after section 55.12, introduced by amendment:

55.13. Section 114 of the Act is replaced by the following section:

“114. The Minister may, by order, generally or specially and on the conditions he determines, delegate to any person or body the exercise of the powers and functions conferred on him by this Act and the regulations. The delegation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the order.”

Adopté
APC

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Section 56

AMENDMENT:

Replace section 56 by:

56. Section 25 of the Act respecting the Régie de l'énergie (chapter R-6.01) is amended by striking out "or when examining the energy transition, innovation and efficiency master plan in accordance with section 85.41" in the second paragraph.

Adopté
APC

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Section 58

AMENDMENT:

In proposed section 85.41:

1. Replace “for approval” in the first paragraph by “, except the programs and measures and the financial investment of the electric power distributor”;
2. Replace the second paragraph by:

Any amendment to a program or measure of an identified energy distributor and to the financial investment must be approved by the Régie before the expiry of the master plan.

When it approves a program or measure of an energy distributor and the latter’s financial investment, the Régie may make the amendments it considers necessary. The same applies when it approves a modification to these.

An approved or amended program, measure or financial investment come into force on the date they are approved or on the date set by the Régie.

For the purposes of this section, the Régie shall consider, in particular, the policy directions, general objectives and targets regarding energy transition, innovation and efficiency and such economic, social and environmental concerns as have been identified by order of the Government.

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Section 61.1

AMENDMENT:

Insert after section 61:

61.1. Schedule II to the Act is amended by replacing paragraph 15 by the following paragraph:

“**15.** List of and update on interventions and costs related to energy transition, innovation and efficiency;”.

Adopté
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Sections 63.1

AMENDMENT:

Insert after section 63:

PETROLEUM PRODUCTS REGULATION

63.1. Section 24 of the Petroleum Products Regulation (chapter P-30.01, r. 2) is amended by striking out “and is liable to a fine provided for in paragraph 2 of section 106 of the Petroleum Products Act (chapter P-30.01)”.

Adopté
APC.

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Sections 63.2

AMENDMENT:

Insert after section 63.1:

63.2. Section 25 of the Regulation is amended by striking out “and is liable to a fine provided for in paragraph 1 of section 106 of the Petroleum Products Act”.

Adopté
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Section 69.1

AMENDMENT:

Insert after section 69:

69.1. The policy directions, general objectives and targets to be achieved regarding energy transition, innovation and efficiency established by the Order in Council 537-2017 (2017, G.O. 2, 2884, French only) are maintained until 31 March 2026, with the necessary modifications. The Minister of Energy and Natural Resources establishes the policy directions, general objectives and targets in accordance with section 17.1.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) from 1 April 2026.

Adopted
ARC.

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Section 70

AMENDMENT:

1. Replace all occurrences of “2025” by “2026”.
2. Add the following paragraph at the end:

The energy distributors’ financial investment toward carrying out the 2018–2023 master plan is increased in proportion to the additional years during which the master plan is maintained. The contribution of the energy distributors for the additional fiscal years is calculated in accordance with the Regulation respecting the annual contribution payable to Energy Transition Québec (chapter R-6.01, r. 5.1), with the necessary modifications.

Adopté
APC