Regulations and other Acts

Gouvernement du Québec

O.C. 1288-2020, 2 December 2020

Environment Quality Act
(chapter Q-2)

Cap-and-trade system for greenhouse gas emission allowances
— Amendment

Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances

WHEREAS, under the first paragraph of section 46.1 of the Environment Quality Act (chapter Q-2), subdivision 1 of Division VI of Chapter IV of Title I of the Act applies to a person or municipality (the "emitter") who carries on or operates a business, facility or establishment that emits greenhouse gases, who distributes a product whose production or use entails the emission of greenhouse gases or who is considered to be such an emitter in particular by regulation of the Government;

WHEREAS, under section 46.5 of the Act, a cap-and-trade system is established to contribute to the achievement of the targets set and mitigate the cost of reducing or limiting greenhouse gas emissions;

WHEREAS, under the first paragraph of section 46.6 of the Act, every emitter determined by regulation of the Government must, subject to the conditions and for each period determined by regulation of the Government, cover its greenhouse gas emissions with an equivalent number of emission allowances;

WHEREAS, under subparagraph 1 of the first paragraph of section 46.8 of the Act, subject to the conditions determined by regulation of the Government, the Minister of the Environment and the Fight Against Climate Chage may grant the available emission units, either by allocating them without charge to emitters required to cover their greenhouse gas emissions, or by selling them at auction or by agreement to persons or municipalities determined by regulation of the Government;

WHEREAS, under the first paragraph of section 46.9 of the Act, emission allowances may be traded between the persons or municipalities determined by regulation of the Government subject to the conditions determined by regulation of the Government;

WHEREAS, under paragraphs 1 and 1.1 of section 46.15 of the Act, the Government may, by regulation, determine in particular the information or documents a person or municipality who files an application for registration in the cap-and-trade system must provide to the Minister and the persons or municipalities that may apply to be registered in the system;

WHEREAS the Government made the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances was published in Part 2 of the *Gazette officielle du Québec* of 9 September 2020 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 with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change:

THAT the Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances

Environment Quality Act
(chapter Q-2, ss. 46.1, 46.5, 46.6, 46.8, 46.9 and 46.15).

1. The Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1) is amended in section 2

(1) in the second paragraph,

(*a*) by inserting "in a province or territory of Canada" after "partner entity" in subparagraph 1;

(*b*) by replacing subparagraph 2 by the following subparagraph:

"(2) distributes 200 litres or more of fuel within the meaning of protocol QC.30 of Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), except

(*a*) fuel used in air or water navigation;

(*b*) hydrocarbons used as a raw material by industries that transform hydrocarbon molecules through chemical or petrochemical processes;

(*c*) the biomass and biomass fuel component of such fuel;

(*d*) fuel for which an emitter referred to in the first paragraph of section 2 or in section 2.1, including the emitter itself, if applicable, is required to cover its emissions pursuant to section 19 for the emitter referred to in section 2 and under section 19.0.1 for the emitter referred to in section 2.1;";

(*c*) by adding the following subparagraph:

"(3) is in a sector of activity listed in Appendix A for which the person or municipality can demonstrate, in accordance with the conditions of section 7, that the emissions attributable to an establishment which will be verified in accordance with the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere will be equal to or exceed 25,000 metric tonnes CO_2 equivalent.";

(2) by striking out the third paragraph.

2. Section 7 is amended

(1) in subparagraph 4 of the first paragraph,

(*a*) in the portion before subparagraph *a*

i. by replacing "in subparagraph 1" by "in subparagraphs 1 and 3";

ii. by inserting ", if the data are available" after "Table A in Part I of Appendix C";

(*b*) by inserting ", calculated using the global warming potential values provided for in Schedule A.1 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15)" after "in metric tonnes CO_2 equivalent" in subparagraph *a*;

(*c*) by inserting ", calculated using the global warming potential values provided for in Schedule A.1 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere" after "in metric tonnes CO_2 equivalent" in subparagraph *c*;

(2) by inserting the following subparagraphs after subparagraph 4 of the first paragraph:

"(4.1) a description of the processes used, including a diagram describing, in particular, the processes that emit greenhouse gases, the product inputs, outputs and recycling, the energy used, the measurement of the greenhouse gases emitted and the reference units;

(4.2) in the case of an emitter referred to in subparagraph 3 of the second paragraph of section 2, a demonstration that the emissions from one of its establishments for the period for which it will be required to cover its emissions in accordance with subparagraph 3.0.1 of the third paragraph of section 19 will be equal to or exceed 25,000 metric tonnes CO_2 equivalent, the demonstration to be made using one of the following documents or items of information:

(*a*) an environmental impact assessment for the establishment prepared pursuant to section 31.3 of the Environment Quality Act (chapter Q-2);

(*b*) a mass balance calculation for greenhouse gas emissions, which must be based on the emissions attributable to the materials that contribute 0.5% or more of the total carbon introduced in the establishment's process;

(*c*) a technical calculation using an emission factor used for the purposes of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15);

(*d*) an emissions report made pursuant to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere accompanied by data explaining the anticipated production increase;".

(3) by inserting the following subparagraph after subparagraph 3 of the second paragraph:

"(3.1) on or after 1 June preceding the year for which a demonstration that the verified emissions for an establishment will be equal to or exceed 25,000 metric tonnes CO_2 equivalent must be made, in the case of an emitter referred to in subparagraph 3 of the second paragraph of section 2;".

3. Section 7.1 is amended by adding the following paragraph:

"An emitter to which section 2 ceases to apply and that wishes to remain registered for the system as an emitter referred to in section 2.1 must send written notice of its intention to the Minister not later than 1 September of the year in which the situation occurs.".

4. Section 7.2 is amended by striking out "subparagraphs 1 to 3, subparagraphs *b* and *c* of subparagraph 4 and subparagraphs 6 to 9 of" in the first paragraph.

5. Section 19 is amended by inserting the following subparagraph after subparagraph 3 of the third paragraph:

"(3.0.1) beginning on 1 January of the year for which the demonstration is made, in the case of an emitter referred to in subparagraph 3 of the second paragraph of section 2 that has demonstrated that the emissions of an establishment will be equal to or exceed 25,000 metric tonnes CO_2 equivalent;".

6. Section 19.0.1 is amended

(1) by adding the following after subparagraph 3 of the first paragraph:

"(4) until 31 December following the date of permanent closure of the establishment.";

(2) by adding the following after subparagraph 2 of the second paragraph:

"(3) as of 1 January following the date on which the notice of intention referred to in the second paragraph of section 7.1 is sent.".

7. Section 20 is amended by inserting ", and emission allowances issued under the second and third paragraphs of section 42" after "in the first year following the year of expiry of the compliance period".

8. Section 41 is amended by replacing "third" in the fourth paragraph by "fourth".

9. Section 42 is amended by replacing the second and third paragraphs by the following:

"The units come from the allocation account of the Minister or, if that account does not contain enough units, from the Minister's reserve account using, in order,

(1) the Category C, B and A emission units as determined in section 58;

(2) within a given category, emission units of the vintage of the year of the free allocation, emission units of the vintage of a previous year from the most recent to the least recent, and non-vintage units.

When all the emission units in the Minister's reserve account have been allocated, the units that remain to be allocated come from the auction account or the issuance account using, in order, emission units of the vintage of a previous year whose sale was not announced in the notice of auction, emission units of the vintage of the current year whose sale was not announced in the notice of auction, and emission units of the vintage of the following year.

The reserve account is replenished using the emission units in excess of the total estimated quantity that may be allocated free of charge for a year that may be sold in accordance with Division III of this Chapter. The emission units paid into the reserve account in this way are identified as belonging to the category replenished."

10. Section 56 is amended by striking out ", having a covered establishment in Québec".

11. Section 58 is amended by replacing whatever follows the first paragraph by the following:

"As of 1 January 2021, the emission units in the reserve account are sold at the following prices, increased annually by 5% since 2021 and adjusted from that date in the manner provided for in section 83.3 of the Financial Administration Act (chapter A-6.001):

(1) for reserve emission units in Category A, $41.40 per emission unit;

(2) for reserve emission units in Category B, $53.20 per emission unit;

(3) for reserve emission units in Category C, $65 per emission unit.

Despite the second paragraph, if partner entities have set higher prices per emission unit for a corresponding category as defined in Appendix B.1, the emission units are sold at the highest of the prices fixed by those entities, according to the daily average exchange rate of the Bank of Canada published on its website, in force on the day preceding the sale by mutual agreement."

12. Section 59 is amended

(1) by striking out subparagraph 3 of the first paragraph;

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

"In addition, at least 12 days before the date of the sale by mutual agreement, the emitter must submit a financial guarantee in Canadian dollars valid for a period of at least 26 days following the date of the sale, in one of the forms referred to in the second paragraph of section 48.".

13. Section 60.1 is replaced by the following section:

"**60.1.** During a sale by mutual agreement, an emitter's account representative may not submit more than 1 offer, in Canadian dollars and in the form and using the procedure set out in the notice published in accordance with the second paragraph of section 57, indicating the number of units requested and the category corresponding to the maximum price per unit it is willing to pay for the units.

When the offer submitted by a purchaser exceeds the quantity of emission units needed by the purchaser to meet the purchaser's coverage obligation under section 19, exceeds the purchaser's holding limit determined in accordance with section 32 and 33, or exceeds the value of the financial guarantee submitted in accordance with the second paragraph of section 59, the Minister removes from the purchaser's offer the quantity of excess emission units.

For the purposes of the second paragraph, the quantity of emission units needed by the purchaser to meet the purchaser's coverage obligation under section 19 is determined by subtracting the quantity of emission units, early reduction credits and offset credits that may be used to cover the purchaser's emissions from the quantity of declared and verified emissions that have not yet been covered in accordance with section 19.".

14. Section 61 is replaced by the following:

"**61.** At the close of the sale by mutual agreement, the Minister sells the reserve emission units by allocating the units from categories A, B and C, in that order and in accordance with the provisions of sections 61.1 to 61.5.

61.1. When the total number of offers to purchase Category A, B and C units is equal to or below the quantity of Category A reserve emission units available, the Minister allocates the Category A emission units among the purchasers based on the offers received.

However, when the total of the offers to purchase is in excess of the quantity of Category A reserve emission units available, the Minister allocates the emission units

(1) by establishing the share of each purchaser by dividing the quantity of emission units requested in their offer to purchase by the total of the offers to purchase;

(2) by determining the number of Category A emission units to be assigned to each purchaser by multiplying each purchaser's share by the quantity of emission units available in that category, rounding down to the nearest whole number; and

(3) when Category A emission units remain to be awarded, by assigning a random number to each purchaser and by awarding 1 emission unit per purchaser, in ascending order of the numbers assigned, until all the emission units have been awarded.

61.2. When all Category A reserve emission units have been awarded and the total of the remaining offers to purchase Category B and C units is equal to or below the quantity of Category B reserve emission units available, the Minister allocates the emission units in that category among the purchasers based on the remaining offers received.

61.3. When all Category A reserve emission units have been awarded and the total of the remaining offers to purchase Category B and C units is in excess of the quantity of Category B reserve emission units available, the Minister allocates the emission units

(1) by establishing the share of each purchaser by dividing the quantity of emission units requested in their offer to purchase that has not been met by Category A reserve emission units by the total of the offers to purchase that have not been met by units in that category;

(2) by determining the number of Category B emission units to be assigned to each purchaser by multiplying each purchaser's share by the quantity of emission units available in that category, rounding down to the nearest whole number; and

(3) when Category B emission units remain to be awarded, by assigning a random number to each purchaser and by awarding 1 emission unit per purchaser, in ascending order of the numbers assigned, until all the emission units have been awarded.

61.4. When all Category A and B reserve emission units have been awarded, and the total of the remaining offers to purchase Category C units is equal to or below the quantity of Category C reserve emission units available, the Minister allocates the emission units in that category among the purchasers based on the remaining offers received.

61.5. When all Category A and B reserve emission units have been awarded and the total of the remaining offers to purchase Category C units is in excess of the quantity of Category C reserve emission units available, the Minister allocates the emission units

(1) by establishing the share of each purchaser by dividing the quantity of emission units requested in their offer to purchase that has not been met by Category A and B reserve emission units by the total of the offers to purchase that have not been met by units in those categories;

(2) by determining the number of Category C emission units to be assigned to each purchaser by multiplying each purchaser's share by the quantity of emission units available in that category, rounding down to the nearest whole number; and

(3) when Category C emission units remain to be awarded, by assigning a random number to each purchaser and by awarding 1 emission unit per purchaser, in ascending order of the numbers assigned, until all the emission units have been awarded."

15. Section 62 is amended

(1) by replacing "section 61. If the financial guarantee submitted in accordance with subparagraph 3 of the first" in the first paragraph by "sections 61 to 61.5. If the financial guarantee submitted in accordance with the second";

(2) by replacing "subparagraph 3 of the first" in the second paragraph by "the second".

16. Section 63 is amended by replacing "subparagraph 3 of the first" by "the second".

17. Appendix B.1 is amended

(1) by replacing section 1 concerning the State of California by the following:

"(1) State of California

The emission allowances issued by the State of California pursuant to the document California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms, Title 17, California Code of Regulations, Sections 95800 and seq. are deemed to be equivalent to the emission allowances issued pursuant to this Regulation, based on the correspondence indicated in the following tables for each type of emission allowance

Table A Types of emission allowance

	Québec	**California**
Types of emission allowance (each having a value corresponding to 1 metric tonne CO_2 equivalent)	Emission unit	California Greenhouse Gas Emissions Allowance (CA GHG Allowance)
	Early reduction credit	
	Offset credit	ARB Offset Credit Early Action Offset Credit
		Price ceiling units

Table B Reserve emission units - corresponding categories

	Québec	California
Reserve emission units *(s. 58)*	Category A	First Reserve tier
	Category B	Second Reserve tier
	Category C	Price ceiling account

(2) by striking out section 2 concerning the Province of Ontario.

18. Part I of Appendix C is amended

(1) in the first column of the third row of Table A,

(*a*) by inserting "Until 2020," before "Acquisition" for the second activity;

(*b*) by adding the following at the end:

"Beginning in 2021: Acquisition, for the consumption of the enterprise or for sale in Québec, of power generated in a state in which the government has established, within its territory, a cap-and-trade system for greenhouse gas emission allowances targeting power generation, but has not signed an agreement referred to in section 46.14 of the Environment Quality Act (chapter Q-2)";

(2) by replacing Table B by the following table:

"**Table B Reference units[1]**

Sector of activity of the establishment	Type of activity	Reference unit
Agrifood	Beer production	Hectolitre of beer
Agrifood	Alcohol production	Kilolitre of alcohol
Agrifood	Sugar production	Metric tonne of sugar
Agrifood	Oilseed processing	Metric tonne of processed oilseed
Agrifood	Milk processing	Kilolitre of whole unpasteurized milk Metric tonne of milk powder with 5% or less moisture
Aluminum	Baked cathode production	Metric tonne of baked cathodes removed from furnace
Aluminum	Aluminum production	Metric tonne of liquid aluminum (leaving potroom)
Aluminum	Baked anode production	Metric tonne of baked anodes removed from furnace
Aluminum	Aluminum hydroxide production and secondary activities	Metric tonne of aluminum hydroxide hydrate expressed as Al_2O_3 equivalent calculated at the precipitation stage
Aluminum	Calcinated coke production	Metric tonne of calcinated coke
Aluminum	Production of aluminum billets	Metric tonne of remelted aluminum

Other[2]	Dismembering	Metric tonne of treated matter
Other[2]	Graphite electrode manufacturing	Metric tonne of graphite electrodes
Other[2]	Gypsum panel manufacturing	Cubic metre of gypsum panel
Other[2]	Glass container manufacturing	Metric tonne of glass
Other[2]	Steam production (for sale to a third person)	Metric tonne of steam
Other[2]	Production of semi-conductors and other electronic components	Square metre of silicon substrate associate with deep reactive ion etching Square metre of silicon substrate associated with an etching process other than deep reactive ion etching Square metre of silicon substrate associated with plasma enhanced chemical vapour deposition
Other[2]	Carbon dioxide production	Metric tonne of carbon dioxide
Other[2]	Manufacturing of aerospace products and parts	Number of aircrafts delivered Number of aerospace parts delivered
Other[2]	Laminate production	Number of laminate sheet equivalents leaving press (typical sheet: minimum surface of 4 feet by 8 feet, 0.67 mm thickness)
Other[2]	Asphalt shingle production	Square metre of asphalt shingles (membrane base)

Lime	Lime production	Metric tonne of calcic lime and metric tonne of calcic lime kiln dust sold Metric tonne of dolomitic lime and metric tonne of dolomitic lime kiln dust sold
Chemical	Ethanol production	Kilolitre of ethanol
Chemical	Tire production	Metric tonne of tires
Chemical	Fabrication of rigid foamed insulation	Board foot of rigid insulation
Chemical	Production of titanium dioxide (Ti O_2)	Metric tonne of titanium pigment equivalent (raw material)
Chemical	Production of linear alkylbenzene (LAB)	Metric tonne of LAB
Chemical	Production of catalyzer	Metric tonne of catalyzer (including additives)
Chemical	Production of hydrogen	Metric tonne of hydrogen
Chemical	Production of purified terephtalic acid (PTA)	Metric tonne of PTA
Chemical	Production of paraxylene	Metric tonne of xylene and toluene Metric tonne of steam sold to a third person
Chemical	Production of sodium silicate	Metric tonne of sodium silicate
Chemical	Production of sulphur (refinery gas)	Metric tonne of sulphur
Chemical	Polyethylene terephthalate (PET) production	Metric tonne of polyethylene therephthalate (PET)

Cement	Cement production	Metric tonne of clinker and metric tonne of mineral additives (gypsum and limestone) added to the clinker produced
Electricity	Electricity production	Megawatt-hour (MWh)
Electricity	Acquisition of electricity produced outside Québec for the consumption of the enterprise or for sale in Québec	Megawatt-hour (MWh)
Electricity	Steam production (except steam produced by cogeneration)	Metric tonne of steam
Metallurgy	Steel production (steelworks)	Metric tonne of steel (slabs, pellets or ingots)
Metallurgy	Wrought steel production	Metric tonne of wrought steel
Metallurgy	Steel pellet or slab rolling	Metric tonne of rolled steel
Metallurgy	Copper anode production	Metric tonne of copper anodes Metric tonne of recycled secondary materials
Metallurgy	Copper cathode production	Metric tonne of recycled secondary materials
Metallurgy	Iron ore concentrate pellet reduction	Metric tonne of reduced iron pellets
Metallurgy	Copper cathode production	Metric tonne of copper cathodes
Metallurgy	Ferrosilicon production	Metric tonne of ferrosilicon (50% and 75% concentration)
Metallurgy	Lead production	Metric tonne of lead

Metallurgy	Metal powder manufacturing	Metric tonne of saleable iron powder and steel powder
Metallurgy	Titanium dioxide (TiO_2) slag manufacturing	Metric tonne of TiO_2 slag cast at the reduction furnaces
Metallurgy	Silicon metal production	Metric tonne of silicon metal
Metallurgy	Zinc production	Metric tonne of iron load Metric tonne of cathodic zinc
Metallurgy	Steel forging stock production	Metric tonne of steel forging stock
Metallurgy	Production of copper drawing stock	Metric tonne of copper drawing stock
Mining and pelletization	Pellet production	Metric tonne of flux pellets Metric tonne of standard pellets Metric tonne of low silica flux pellets Metric tonne of direct reduction pellets Metric tonne of blast furnace pellets Metric tonne of intermediate pellets
Mining and pelletization	Iron concentrate production	Metric tonne of iron concentrate
Mining and pelletization	Nickel concentrate production	Metric tonne of nickel produced

Mining and pelletization	Nickel concentrate and copper concentrate production	Metric tonne of nickel and copper produced
Mining and pelletization	Diamond production	Metric tonne of kimberlite processed
Mining and pelletization	Gold production	Metric tonne of auriferous ore processed
Pulp and paper	Production of pulp and paper	Metric tonne of various air-dried saleable products
Pulp and paper	Production of wood-fibre based products	Metric tonne of various air-dried saleable products
Pulp and paper	Steam production	Metric tonne of various saleable air-dried products of each of the establishments common to a steam network
Pulp and paper	Sawmill	Thousand board feet (MFBM) (dry)
Refining	Oil refining	Kilolitre of total crude oil refinery load

[1] An establishment pursuing a type of activity that is not listed in this table must use the reference unit declared in its emissions report under the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15).

[2] These reference units must be used when the type of activity is not exercised in another sector of activity specifically referred to in this Table.".

19. Part II of Appendix C is amended, in section A concerning definition,

(1) by inserting the following before paragraph 1:

"(0.1) "old GWP values": global warming potential values provided for in Schedule A.1 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15) in force on 31 December 2020;";

(2) by adding the following at the end:

"(6) "new GWP values": global warming potential values provided for in Schedule A.1 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere in force on 1 January 2021.".

20. Part II of Appendix C is amended, in section D concerning calculation methods,

(1) by replacing "the result of an emission intensity" in the first paragraph by "the result of an intensity target of emissions";

(2) by replacing the heading of Equation 4-16 by the following:

"**Equation 4-16**

- Calculation of the intensity of fixed process emissions by type of activity at a covered establishment as of 2018 that is not considered on a sectoral basis and that does not possess all the GHG emissions data for years *d*-2 to *d*

- Calculation of the intensity of fixed process emissions by type of activity, for years 2021 to 2023, at a covered establishment as of 2013, that does not possess data for years 2007-2010 and does not possess data for at least 3 of years *d*-2 to *d*+1, or at a covered establishment after year 2013 that does not possess data for at least 3 of years *d*-2 to *d*+1";

(3) by replacing the heading of Equation 4-19 by the following:

"**Equation 4-19**

- Calculation of the intensity of combustion emissions by type of activity at a covered establishment as of 2018 that is not considered on a sectoral basis and that does not possess all the GHG emissions data for years *d*-2 to *d*

- Calculation of the intensity of combustion emissions by type of activity, for years 2021 to 2023, at a covered establishment as of 2013, that does not possess data for years 2007-2010 and does not possess data for at least 3 of years *d*-2 to *d*+1, or at a covered establishment after year 2013 that does not possess data for at least 3 of years *d*-2 to *d*+1";

(4) by replacing the heading of Equation 4-20 by the following:

"**Equation 4-20**

- Calculation of the intensity of other emissions by type of activity at a covered establishment as of 2018 that is not considered on a sectoral basis and that does not possess all the GHG emissions data for years *d*-2 to *d*

- Calculation of the intensity of other emissions by type of activity, for years 2021 to 2023, at a covered establishment as of 2013, that does not possess data for years 2007-2010 and does not possess data for at least 3 of years *d*-2 to *d*+1, or at a covered establishment after year 2013 that does not possess data for at least 3 of years *d*-2 to *d*+1";

(5) by replacing Equation 4-22 and its heading by the following:

"**Equation 4-22 Calculation of energy consumption for year *i* at a covered establishment as of 2018 that is not considered on a sectoral basis and that does not possess all the GHG emissions data for years *d* to *d*+2**

$$EC_{TOTAL\,i} = \sum_{k=1}^{n} \left(\frac{GHG_{non\ bio\ k}}{GHG_{total\ k}} \times Fuel_k \times HHV_k \right)$$

Where:

$EC_{TOTAL\ i}$ = Energy consumption in year *i*, in GJ;

i = Each year of the period 2018-2020 for which the emitter is required to cover GHG emissions;

n = Total number of types of fuel used;

k = Type of fuel;

$GHG_{non\ bio\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k*, excluding CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$GHG_{total\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k*, including CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$Fuel_k$ = Mass or volume of fuel burned:

(*a*) in dry metric tonnes, when the quantity is expressed as a mass;

(*b*) in thousands of cubic metres at standard conditions, where the quantity is expressed as a volume of gas;

(*c*) in kilolitres, where the quantity is expressed as a volume of liquid;

HHV_k = High heat value for measurement period *i*, expressed

(*a*) in GJ per dry metric ton, in the case of fuels whose quantity is expressed as a mass;

(*b*) in GJ per thousand cubic metres, in the case of fuels whose quantity is expressed as a volume of gas;

(*c*) in GJ per kilolitre, in the case of fuels whose quantity is expressed as a volume of liquid.";

(6) by replacing Equation 4-24 and its heading by the following:

"**Equation 4-24 Calculation of average energy consumption for years *d* to *d*+2, or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, at a covered establishment as of 2018 that possesses all the GHG emissions data for those years**

$$EC_{TOTAL,av} = \sum_{d}^{d+2}\left(\sum_{k=1}^{n}\left(\frac{GHG_{non\ bio\ k}}{GHG_{total\ k}} \times Fuel_k \times HHV_k\right)\right) \div 3$$

$$EC_{TOTAL,av} = \sum_{d+1}^{d+3}\left(\sum_{k=1}^{n}\left(\frac{GHG_{non\ bio\ k}}{GHG_{total\ k}} \times Fuel_k \times HHV_k\right)\right) \div 3$$

Where:

$EC_{TOTAL,av}$ = Average energy consumption for years *d* to *d*+2, or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, in GJ;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

n = Total number of types of fuel used;

k = Type of fuel;

$GHG_{non\ bio\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k,* excluding CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$GHG_{total\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k,* including CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$Fuel_k$ = Mass or volume of fuel burned:

(*a*) in dry metric tonnes, when the quantity is expressed as a mass;

(*b*) in thousands of cubic metres at standard conditions, where the quantity is expressed as a volume of gas;

(*c*) in kilolitres, where the quantity is expressed as a volume of liquid;

HHV_k = High heat value for measurement period *i*, expressed

(*a*) in GJ per dry metric ton, in the case of fuels whose quantity is expressed as a mass;

(*b*) in GJ per thousand cubic metres, in the case of fuels whose quantity is expressed as a volume of gas;

(*c*) in GJ per kilolitre, in the case of fuels whose quantity is expressed as a volume of liquid.";

(7) by replacing Equation 4-38 and its heading by the following:

"**Equation 4-38 Calculation of average energy consumption for years *e* and *e*+1 of an establishment for the years 2018 to 2020 that is not considered on a sectoral basis and for which the GHG emissions data for years *e*-1 to *e*+1, or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational, are not all available**

$$EC_{TOTAL\ i} = \sum_{k=1}^{n} \left(\frac{GHG_{non\ bio\ k}}{GHG_{total\ k}} \times Fuel_k \times HHV_k \right)$$

Where:

$EC_{TOTAL\ i}$ = Energy consumption for year *i*, in GJ;

i = Each year of the 2018-2020 period for which the emitter is required to cover GHG emissions;

n = Total number of types of fuel used;

k = Type of fuel;

$GHG_{non\ bio\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k,* excluding CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$GHG_{total\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k,* including CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$Fuel_k$ = Mass or volume of fuel burned:

(*a*) in dry metric tonnes, when the quantity is expressed as a mass;

(*b*) in thousands of cubic metres at standard conditions, where the quantity is expressed as a volume of gas;

(*c*) in kilolitres, where the quantity is expressed as a volume of liquid;

HHV_k = High heat value for measurement period *i*, expressed

(*a*) in GJ per dry metric ton, in the case of fuels whose quantity is expressed as a mass;

(*b*) in GJ per thousand cubic metres, in the case of fuels whose quantity is expressed as a volume of gas;

(*c*) in GJ per kilolitre, in the case of fuels whose quantity is expressed as a volume of liquid.";

(8) by replacing Equation 4-40 and its heading by the following:

"**Equation 4-40 Calculation of average energy consumption for a covered establishment referred to in section 2.1 that is not considered on a sectoral basis, that does not possess a determined reference unit, and for which the GHG emissions data for years *e*-1 to *e*+1, or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational, are all available**

$$EC_{TOTAL,av} = \sum_{e-1}^{e+1}\left(\sum_{k=1}^{n}\left(\frac{GHG_{non\ bio\ k}}{GHG_{total\ k}} \times Fuel_k \times HHV_k\right)\right) \div 3$$

$$EC_{TOTAL,av} = \sum_{e}^{e+2}\left(\sum_{k=1}^{n}\left(\frac{GHG_{non\ bio\ k}}{GHG_{total\ k}} \times Fuel_k \times HHV_k\right)\right) \div 3$$

Where:

$EC_{TOTAL,av}$ = Average energy consumption for years *e*-1 to *e*+1 or for years *e* to *e*+2 where *e*-1 is the year in which the establishment became operational, in GJ;

e = Year of application for registration for the system;

k = Type of fuel;

$GHG_{non\ bio\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k* excluding CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$GHG_{total\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k* including CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

n = Total number of types of fuel used;

$Fuel_k$ = Mass or volume of fuel burned:

(*a*) in dry metric tonnes, when the quantity is expressed as a mass;

(*b*) in thousands of cubic metres at standard conditions, where the quantity is expressed as a volume of gas;

(*c*) in kilolitres, where the quantity is expressed as a volume of liquid;

HHV_k = High heat value for measurement period *i*, expressed

(*a*) in GJ per dry metric ton, in the case of fuels whose quantity is expressed as a mass;

(*b*) in GJ per thousand cubic metres, in the case of fuels whose quantity is expressed as a volume of gas;

(*c*) in GJ per kilolitre, in the case of fuels whose quantity is expressed as a volume of liquid.";

(9) by replacing "*d* to *d*+1" in the heading of subdivision 5.2.1 by "*d*+1 to *d*+*3*";

(10) by replacing "*d* to *d*+1" in the heading of subdivision 5.2.2 by "*d*+1 to *d*+*3*";

(11) by inserting the following after Equation 6-4:

"**Equation 6-4.1 Average intensity of GHG fixed process emissions at an establishment producing rigid foamed insulation for years 2010 to 2012**

$$I_{FP} = \frac{\sum_{i=2010}^{2012} GHG\ FP_i}{\sum_{i=2010}^{2012} P_{R\,i}}$$

Where:

I_{FP} = Average intensity of GHG fixed process emissions at the establishment for years 2010 to 2012, in metric tonnes CO_2 equivalent per board foot of rigid foamed insulation;

i = Each year included in the period 2010-2012;

GHG FP_i = GHG fixed process emissions at the establishment for year *i*, in metric tonnes CO_2 equivalent;

$P_{R\,i}$ = Total quantity of rigid foamed insulation produced at the establishment in year *i*, in board feet of rigid foamed insulation.";

(12) by inserting the following after Equation 6-5:

"**Equation 6-5.1 Average intensity of GHG combustion emissions at an establishment producing rigid foamed insulation for years 2010 to 2012**

$$I_C = \frac{\sum_{i=2010}^{2012} GHG\ C_i}{\sum_{i=2010}^{2012} P_{R\,i}}$$

Where:

I_C = Average intensity of GHG combustion emissions at the establishment for years 2010 to 2012, in metric tonnes CO_2 equivalent per board foot of rigid foamed insulation;

i = Each year included in the period 2010-2012;

GHG C_i = GHG combustion emissions at the establishment in year *i*, in metric tonnes CO_2 equivalent;

$P_{R\,i}$ = Total quantity of rigid foamed insulation produced at the establishment in year *i*, in board feet of rigid foamed insulation.";

(13) by inserting the following after Equation 6-6:

"**Equation 6-6.1 Average intensity of other GHG emissions at an establishment producing rigid foamed insulation for years 2010 to 2012**

$$I_O = \frac{\sum_{i=2010}^{2012} GHG\ O_i}{\sum_{i=2010}^{2012} P_{R\,i}}$$

Where:

I_O = Average intensity of other GHG emissions at the establishment for years 2010 to 2012, in metric tonnes CO_2 equivalent per board foot of rigid foamed insulation;

i = Each year included in the period 2010-2012;

GHG O_i = Other GHG emissions at the establishment for year *i*, in metric tonnes CO_2 equivalent;

$P_{R\,i}$ = Total quantity of rigid foamed insulation produced at the establishment in year *i*, in board feet of rigid foamed insulation.";

(14) by replacing the definition of factor "I_{FP}" in Equation 6-7.1 by the following:

"I_{FP} = Average intensity of GHG fixed process emissions at the establishment for years 2010 to 2012, calculated using equation 6-4.1, in metric tonnes CO_2 equivalent per board foot of rigid foamed insulation.";

(15) by replacing the definition of factor "I_C" in Equation 6-7.2 by the following:

"I_C = Average intensity of GHG combustion emissions at the establishment for years 2010 to 2012, calculated using equation 6-5.1, in metric tonnes CO_2 equivalent per board foot of rigid foamed insulation.";

(16) by replacing the definition of factor "I_O" in Equation 6-7.3 by the following:

"I_O = Average intensity of other GHG emissions at the establishment for years 2010 to 2012, calculated using equation 6-6.1 in metric tonnes CO_2 equivalent per board foot of rigid foamed insulation.";

(17) by replacing Equation 6-10.4 and its heading by the following:

"**Equation 6-10.4 Calculation of the energy consumption for year *i* of a new facility at a covered establishment for the period where the GHG emissions data for years *d* to *d*+2, or *d*+1 to *d*+3 where *d* is the year in which the new facility became operational, are not all available**

$$EC_{NF\,TOTAL\,i} = \sum_{k=1}^{n} \left(\frac{GHG_{non\ bio\ k}}{GHG_{total\ k}} \times Fuel_k \times HHV_k \right)$$

Where:

$EC_{NF\ TOTAL\ i}$ = Energy consumption of the new facility in year *i*, in GJ;

i = Each year of the period for which the emitter is required to cover GHG emissions;

n = Total number of types of fuel used;

k = Type of fuel;

$GHG_{non\ bio\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k* excluding CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$GHG_{total\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k* including CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$Fuel_k$ = Mass or volume of fuel burned, expressed

(*a*) in dry metric tonnes, when the quantity is expressed as a mass;

(*b*) in thousands of cubic metres at standard conditions, where the quantity is expressed as a volume of gas;

(*c*) in kilolitres, where the quantity is expressed as a volume of liquid;

HHV_k = High heat value for measurement period *i*, expressed

(*a*) in GJ per dry metric ton, in the case of fuels whose quantity is expressed as a mass;

(*b*) in GJ per thousand cubic metres, in the case of fuels whose quantity is expressed as a volume of gas;

(*c*) in GJ per kilolitre, in the case of fuels whose quantity is expressed as a volume of liquid.";

(18) by striking out "in another Canadian province or territory or" in subparagraph 2 of the first paragraph of section 6.7;

(19) by striking out "in another Canadian province or territory or" in the heading of Equation 6-11.1;

(20) in Equation 6-11.1:

(*a*) by striking out "other Canadian provinces or territories or by" in the definition of factor "$Pi^{Non\text{-}WCI}$";

(*b*) by striking out "another Canadian province or territory or from" and "determined in Addendum III to the document "Report of the Conference of the Parties on its nineteenth session, held in Warsaw from 11 to 23 November 2013", FCCC/CP/2013/10/Add.3, (new GWP values)" in the definition of factor "$Ei^{Non\text{-}WCI}$";

(21) in Equation 6-14:

(*a*) by replacing “equation 8-2” in the definition of factor “$I_{C\ stan\ cu}$” by “equation 8-4";

(*b*) by replacing “equation 8-6” in the definition of factor “$I_{FP\ stan\ cu}$” by “equation 8-2";

(*c*) by replacing “equation 8-2” in the definition of factor “$I_{C\ stan\ RSM}$” by “equation 8-4";

(22) by striking out “, determined in Schedule A.1 to the Regulation respecting the mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15)” in the definition of factor “$GHG_{FP\ j}$” in Equation 8-3;

(23) by inserting “, using the new GWP values,” after “or 4-33” in the definition of factor “R” in Equation 8-4.1;

(24) by striking out “,determined in Schedule A.1 to the Regulation respecting the mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15) (old GWP values)” in the definition of factor “$GHG_{FP\ j}$” in Equation 8-5;

(25) by striking out “, determined in Schedule A.1 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15)” in the definition of factor “GHG_{O} j” in Equation 8-7;

(26) by replacing the definition of factor “$I_{FP\ dep\ j}$” in Equation 8-8 by the following:

“$I_{FP\ dep\ j}$ = average intensity of fixed process emissions attributable to type of activity j at the establishment for the reference years, calculated using equation 4-3 where the establishment possesses emissions data for at least 3 of years *d*-2 to *d*+1, or using equation 4-10, 4-16, 4-26 or 4-32, in metric tonnes CO_2 per reference unit, using the new GWP values.”;

(27) in Equation 8-9:

(*a*) by inserting “, using the new GWP values,” after “or 4-33” in the definition of factor “R”;

(*b*) by replacing the definition of factor “n” by the following:

“n = i – (*d*+2) or n = i - (e+1), as the case may be”;

(*c*) by inserting the following definition after the definition of factor “d”:

“e = Year of application for registration for the system;”;

(*d*) by replacing the definition of factor “$I_{C\ dep\ j}$” by the following:

“$Ic_{\ dep\ j}$ = Average intensity of combustion emissions attributable to type of activity j at the establishment for the reference years, calculated using equation 4-4 where the establishment possesses emissions data for at least 3 of years *d*-2 to *d*+1, or using equation 4-13, 4-19, 4-29 or 4-35, in metric tonnes CO_2 per reference unit, using the new GWP values.";

(28) in Equation 8-10:

(*a*) by replacing the definition of factor “n” by the following:

“n = i – (*d*+2) or n = i - (e+1), as the case may be”;

(*b*) by inserting the following definition after the definition of factor “d”:

“e = Year of application for registration for the system;”;

(*c*) by replacing the definition of factor “$I_{A\ dep\ j}$” by the following:

“$I_{O\ dep\ j}$ = Average intensity of other emissions attributable to type of activity j at the establishment for the reference years, calculated using equation 4-5 where the establishment possesses emissions data for at least 3 of years *d*-2 to *d*+1, or using equation 4-14, 4-20, 4-30 or 4-36, in metric tonnes CO_2 per reference unit, using the new GWP values.”;

(29) by striking out “, determined in Schedule A.1 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15)” in the definition of factor “$GHG_{FP\ jk}$” of Equation 8-12;

(30) by striking out “, determined in Schedule A.1 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15)” in the definition of factor “$GHG_{C\ jk}$” of Equation 8-16;

(31) by replacing Equation 8-17 and its heading by the following:

“**Equation 8-17 Calculation of the standard intensity of other emissions by type of activity at an establishment in the lime sector**

$$I_{O\ stan\ j} = min\left((0.95)\ I_{O\ stan\ \min\ j};\ (0.90)\ I_{O\ stan\ av\ j}\right)$$

Where:

$I_{O\ stan\ j}$ = Standard intensity of other emissions in the lime sector for the period 2021-2023 for type of activity *j*;

j = Type of activity;

min = Minimum value between the 2 calculated elements;

0.95 = Proportion corresponding to 95% of the minimum intensity of other emissions;

$I_{O\ stan\ min\ j}$ = Minimum annual intensity of other emissions for type of activity *j* for years 2007-2010, calculated using equation 8-18, in metric tonnes CO_2 per reference unit;

0.90 = Proportion corresponding to 90 % of the average intensity of other emissions;

$I_{O\ stan\ av\ j}$ = Average intensity of other emissions for type of activity *j* for years 2007-2010, calculated using equation 8-19, in metric tonnes CO_2 per reference unit.”;

(32) by striking out ", determined in Schedule A.1 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15)" in the definition of factor "$GHG_{O\,jk}$" of Equation 8-20;

(33) by replacing "n=*i*-(*d*+2)" in the definition of factors "$a_{FP,i}$", "$a_{C,i}$" and "$a_{O,i}$" in Equation 10-1 by "n=*i*-*d*";

(34) by replacing "n=*i*-(*d*+2)" in the definition of factors "$a_{FP,i}$", "$a_{C,i}$" and "$a_{O,i}$" in Equation 11-1 by "n=*i*-*d*";

(35) by replacing "n=*i*-(*d*+2)" in the definition of factors "$a_{FP,i}$", "$a_{C,i}$" and "$a_{O,i}$" in Equation 11-5 by "n=*i*-*d*";

(36) by replacing Equation 11-6 and its heading by the following:

"**Equation 11-6 Calculation of energy consumption for a year at a covered establishment as of 2021 that is not considered on a sectoral basis and that does not possess all the GHG emissions data for years *d* to *d*+2, or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational**

$$EC_{TOTAL\,i} = \sum_{k=1}^{n} \left(\frac{GHG_{non\ bio\ k}}{GHG_{total\ k}} \times Fuel_k \times HHV_k \right)$$

Where:

$EC_{TOTAL\,i}$ = Energy consumption in year *i*, in GJ;

i = Each year of the 2021-2023 period for which the emitter is required to cover GHG emissions;

n = Total number of types of fuel used;

k = Type of fuel;

$GHG_{non\ bio\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k* excluding CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$GHG_{total\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k* including CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$Fuel_k$ = Mass or volume of fuel burned:

(*a*) in dry metric tonnes, when the quantity is expressed as a mass;

(*b*) in thousands of cubic metres at standard conditions, where the quantity is expressed as a volume of gas;

(*c*) in kilolitres, where the quantity is expressed as a volume of liquid;

HHV_k = High heat value for measurement period *i*, expressed

(*a*) in GJ per dry metric ton, in the case of fuels whose quantity is expressed as a mass;

(*b*) in GJ per thousand cubic metres, in the case of fuels whose quantity is expressed as a volume of gas;

(*c*) in GJ per kilolitre, in the case of fuels whose quantity is expressed as a volume of liquid.";

(37) by replacing "n=*i*-(*d*+2)" in the definition of factors "$a_{FP,i}$", "$a_{C,i}$" and "$a_{O,i}$" in Equation 12-1 by "n=*i*-*d*";

(38) by replacing Equation 12-2 and its heading by the following:

"**Equation 12-2 Calculation of average energy consumption for years *d* to *d*+2, or *d*+1 to *d*+3 where d is the year in which the establishment became operational, at a covered establishment as of 2021 that is not considered on a sectoral basis and that possesses all the GHG emissions data for those years**

$$EC_{TOTAL,av} = \sum_{d}^{d+2}\left(\sum_{k=1}^{n}\left(\frac{GHG_{non\ bio\ k}}{GHG_{total\ k}} \times Fuel_k \times HHV_k\right)\right) \div 3$$

$$EC_{TOTAL,av} = \sum_{d+1}^{d+3}\left(\sum_{k=1}^{n}\left(\frac{GHG_{non\ bio\ k}}{GHG_{total\ k}} \times Fuel_k \times HHV_k\right)\right) \div 3$$

Where:

$EC_{TOTAL,av}$ = Average energy consumption for years *d* to *d*+2, or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, in GJ;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

k = Type of fuel;

$GHG_{non\ bio\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k* excluding CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$GHG_{total\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k* including CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

n = Total number of types of fuel used;

$Fuel_k$ = Mass or volume of fuel burned:

(*a*) in dry metric tonnes, when the quantity is expressed as a mass;

(*b*) in thousands of cubic metres at standard conditions, where the quantity is expressed as a volume of gas;

(*c*) in kilolitres, where the quantity is expressed as a volume of liquid;

HHV_k = High heat value for measurement period *i*, expressed

(*a*) in GJ per dry metric ton, in the case of fuels whose quantity is expressed as a mass;

(*b*) in GJ per thousand cubic metres, in the case of fuels whose quantity is expressed as a volume of gas;

(*c*) in GJ per kilolitre, in the case of fuels whose quantity is expressed as a volume of liquid.";

(39) by replacing the definition of factor "e" in Equations 13-1, 13-2, 13-3, 13-4, 14-1, 14-2,14-3, 14-4 and 14-5 by the following:

"e= Year preceding the year in which the coverage requirement begins;";

(40) by replacing Equation 14-6 and its heading by the following:

"**Equation 14-6 Calculation of the energy consumption for year *i* at a covered establishment referred to in section 2.1 that is not considered on a sectoral basis and for which the GHG emissions data for years *e*-1 to *e*+1, or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational, are not all available**

$$EC_{TOTAL\ i} = \sum_{k=1}^{n} \left(\frac{GHG_{non\ bio\ k}}{GHG_{total\ k}} \times Fuel_k \times HHV_k \right)$$

Where:

$EC_{TOTAL\ i}$ = Energy consumption in year *i*, in GJ;

i = Each year of the 2021-2023 period for which the emitter is required to cover GHG emissions;

n = Total number of types of fuel used;

k = Type of fuel;

$GHG_{non\ bio\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k* excluding CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$GHG_{total\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k* including CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$Fuel_k$ = Mass or volume of fuel burned:

(*a*) in dry metric tonnes, when the quantity is expressed as a mass;

(*b*) in thousands of cubic metres at standard conditions, where the quantity is expressed as a volume of gas;

(*c*) in kilolitres, where the quantity is expressed as a volume of liquid;

HHV_k = High heat value for measurement period *i*, expressed

(*a*) in GJ per dry metric ton, in the case of fuels whose quantity is expressed as a mass;

(*b*) in GJ per thousand cubic metres, in the case of fuels whose quantity is expressed as a volume of gas;

(*c*) in GJ per kilolitre, in the case of fuels whose quantity is expressed as a volume of liquid.";

(41) by replacing, in Equation 15-1, the definition of factor "*e*" by the following:

"e= Year preceding the year in which the coverage requirement begins;";

(42) by replacing Equation 15-2 and its heading by the following:

"**Equation 15-2 Calculation of average energy consumption for a covered establishment referred to in section 2.1 that is not considered on a sectoral basis, that does not possess a determined reference unit, and for which the GHG emissions data for years *e*-1 to *e*+1, or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational, are all available**

$$EC_{TOTAL,av} = \sum_{e-1}^{e+1}\left(\sum_{k=1}^{n}\left(\frac{GHG_{non\ bio\ k}}{GHG_{total\ k}} \times Fuel_k \times HHV_k\right)\right) \div 3$$

$$EC_{TOTAL,av} = \sum_{e}^{e+2}\left(\sum_{k=1}^{n}\left(\frac{GHG_{non\ bio\ k}}{GHG_{total\ k}} \times Fuel_k \times HHV_k\right)\right) \div 3$$

Where:

$EC_{TOTAL,av}$ = Average energy consumption for years *e*-1 to *e*+1, or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational, in GJ;

e = Year preceding the year in which the coverage requirement begins;

n = Total number of types of fuel used;

k = Type of fuel;

$GHG_{non\ bio\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k* excluding CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$GHG_{total\ k}$ = Greenhouse gas emissions attributable to the use of fuel *k* including CO2 emissions attributable to the combustion of biomass or biofuels, in metric tonnes CO_2 equivalent;

$Fuel_k$ = Mass or volume of fuel burned:

(*a*) in dry metric tonnes, when the quantity is expressed as a mass;

(*b*) in thousands of cubic metres at standard conditions, where the quantity is expressed as a volume of gas;

(*c*) in kilolitres, where the quantity is expressed as a volume of liquid;

HHV_k = High heat value for measurement period *i*, expressed

(*a*) in GJ per dry metric ton, in the case of fuels whose quantity is expressed as a mass;

(*b*) in GJ per thousand cubic metres, in the case of fuels whose quantity is expressed as a volume of gas;

(*c*) in GJ per kilolitre, in the case of fuels whose quantity is expressed as a volume of liquid.";

(43) by replacing Table 5 in subdivision 16.2 by the following:

"**Table 5: Allocation cap adjustment factors for an establishment covered prior to 2021 for the period 2021-2023**

Year *i*	$a_{FP,i}$	$a_{C,i}$	$a_{O,i}$[1]
2021	0.995	0.985	0.970
2022	0.990	0.970	0.940
2023	0.985	0.955	0.910

[1] For the activities "Ferrosilicon production" and "Silicon metal production", the value of parameter "$a_{O,I}$" is 1.000 for years 2021, 2022 and 2023.";

(44) by replacing Table 7 in section 17 by the following:

"**Table 7: Assistance factor defined for a reference unit by compliance period**

Sector	Reference unit	Assistance factor 2021-2023
Agrifood	Hectolitre of beer	0.90
	Kilolitre of alcohol	0.90
	Metric tonne of sugar	1.00

	Metric tonne of processed oilseed	1.00
	Kilolitre of whole unpasteurized milk	0.90
	Metric tonne of milk powder with 5% or less moisture	0.90
Aluminum	Metric tonne of baked cathodes removed from furnace	1.00
	Metric tonne of liquid aluminum (leaving potroom)	1.00
	Metric tonne of baked anodes removed from furnace	1.00
	Metric tonne of aluminum hydroxide hydrate expressed as Al_2O_3 equivalent calculated at the precipitation stage	1.00
	Metric tonne of calcinated coke	1.00
	Metric tonne of remelted aluminum	1.00
Other	Metric tonne of treated matter	0.90
	Cubic metre of gypsum panel	1.00
	Metric tonne of glass	1.00
	Square metre of silicon substrate associate with deep reactive ion etching	0.90

	Square metre of silicon substrate associated with an etching process other than deep reactive ion etching	0.90
	Square metre of silicon substrate associated with plasma enhanced chemical vapour deposition	0.90
	Metric tonne of carbon dioxide	1.00
	Number of aircrafts delivered	0.90
	Number of aerospace parts delivered	0.90
	Number of laminate sheet equivalents leaving press (typical sheet: minimum surface of 4 feet by 8 feet, 0.67 mm thickness)	0.95
	Square metre of asphalt shingles (membrane base)	1.00
Lime	Metric tonne of calcic lime and metric tonne of calcic lime kiln dust sold	1.00
	Metric tonne of dolomitic lime and metric tonne of dolomitic lime kiln dust sold	1.00
Chemical	Kilolitre of ethanol	1.00
	Metric tonne of tires	0.90
	Board foot of rigid insulation	0.95

	Metric tonne of titanium (Ti O2) pigment equivalent (raw material)	1.00
	Metric tonne of LAB	1.00
	Metric tonne of catalyzer (including additives)	1.00
	Metric tonne of hydrogen	1.00
	Metric tonne of PTA	1.00
	Metric tonne of xylene and toluene	1.00
	Metric tonne of steam sold to a third person	1.00
	Metric tonne of sodium silicate	1.00
	Metric tonne of sulphur	1.00
	Metric tonne of polyethylene therephthalate (PET)	0.95
Cement	Metric tonne of clinker and metric tonne of mineral additives (gypsum and limestone) added to the clinker produced	1.00
Electricity	Megawatt-hour (MWh)	0.60
	Metric tonne of steam	0.60
Metallurgy	Metric tonne of steel (slabs, pellets or ingots)	1.00
	Metric tonne of wrought steel	1.00
	Metric tonne of rolled steel	1.00

	Metric tonne of copper anodes	1.00
	Metric tonne of recycled secondary materials	1.00
	Metric tonne of reduced iron pellets	1.00
	Metric tonne of copper cathodes	1.00
	Metric tonne of ferrosilicon (50% and 75% concentration)	1.00
	Metric tonne of lead	1.00
	Metric tonne of saleable iron powder and steel powder	1.00
	Metric tonne of Ti O_2 slag cast at the reduction furnaces	1.00
	Metric tonne of silicon metal	1.00
	Metric tonne of iron load	0.95
	Metric tonne of cathodic zinc	0.95
	Metric tonne of steel forging stock	0.95
	Metric tonne of copper drawing stock	0.95
Mining and pelletization	Metric tonne of flux pellets	1.00
	Metric tonne of standard pellets	1.00
	Metric tonne of low silica flux pellets	1.00

	Metric tonne of low silica pellets	1.00
	Metric tonne of blast furnace pellets	1.00
	Metric tonne of intermediate pellets	1.00
	Metric tonne of iron concentrate	1.00
	Metric tonne of nickel produced	1.00
	Metric tonne of nickel and copper produced	1.00
	Metric tonne of kimberlite processed	0.90
	Metric tonne of auriferous ore processed	0.90
Pulp and paper	Metric tonne of various air-dried saleable products	1.00
	Metric tonne of various saleable air-dried products of each of the establishments common to a steam network	1.00
	Thousand board feet (MFBM) (dry)	0.90
Refining	Kilolitre of total crude oil refinery load	1.00
All sectors	Reference unit not determined elsewhere in the table	0.90

”.

21. Despite subparagraph 2 of section 17 of this Regulation, the emission allowances issued by the province of Ontario that are in circulation on the date this Regulation comes into force may continue to be used in transactions under the system and may be used for compliance purposes.

22. This Regulation comes into force on 1 January 2021.

104762

Gouvernement du Québec

O.C. 1289-2020, 2 December 2020

Approval of Éco Entreprises Québec's schedule of contributions payable for 2020 for the "containers and packaging" and "printed matter" classes

WHEREAS, under section 53.31.1 of the Environment Quality Act (chapter Q-2), 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 Native communities, represented by their band councils, for the services provided by the municipalities or communities to ensure that the materials designated by the Government under section 53.31.2 of the Act are recovered and reclaimed;

WHEREAS Éco Entreprises Québec is a body certified by RECYC QUÉBEC for the "containers and packaging" and "printed matter" classes to represent the persons subject to an obligation of compensation under subdivision 4.1 of Division VII of Chapter IV of the Act;

WHEREAS, under the first paragraph of section 53.31.12 of the Act, a certified body must remit to RECYC-QUÉBEC, in trust, the amount of the compensation owed to the municipalities;

WHEREAS, under the first paragraph of section 53.31.13 of the Act, 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;

WHEREAS, under the first paragraph of section 53.31.14 of the Act, 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;

WHEREAS Éco Entreprises Québec conducted such a special consultation before determining the schedule of contributions applicable for 2020 for the "containers and packaging" and "printed matter" classes;

WHEREAS, under the third paragraph of section 53.31.14 of the Act, 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;

WHEREAS, under the fifth paragraph of section 53.31.14 of the Act, the schedule of contributions must be submitted to the Government, which may approve it with or without modification;

WHEREAS, under the second paragraph of section 53.31.15 of the Act, RECYC-QUÉBEC must give its opinion to the Government on the schedule of contributions proposed;

WHEREAS RECYC-QUÉBEC has given a favourable opinion on the 2020 schedule of contributions established by Éco Entreprises Québec for the "containers and packaging" and "printed matter" classes;

WHEREAS, under Order in Council 135-2007 dated 14 February 2007, 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;

WHEREAS it is expedient to approve the schedule without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change:

THAT the schedule of contributions established by Éco Entreprises Québec for the year 2020, attached to this Order in Council and entitled 2020 Schedule of Contributions for "containers and packaging" and "printed matter" Classes, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif