

# QUÉBEC PORT AUTHORITY

## NOTICE NQ-11 ENVIRONMENTAL PROTECTION FEE SCHEDULE

Effective date

May 1, 2019

This notice is adopted and issued under the [Canada Marine Act](#), Chapter 10, 46-47 Elizabeth II, 1997-1998, pursuant to the powers granted by the latter.

# NOTICE NQ-11

## Environmental Protection Fee Schedule

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Environmental protection fees are applicable on all goods handled and to all passengers within the Jurisdictional Boundaries of the Québec Port Authority (hereinafter referred to as the “Authority”). These fees are applied to help improve operations related to respecting and protecting the environment, including, but not limited to, the acquisition and maintenance of control and monitoring equipment, the management of contaminated soil and sediment, and spill response. The fees are paid by the Owner of the goods.

### 1. GENERAL

- a) This notice may be cited as: **Environmental Protection Fee Schedule**.
- b) The fees provided for in this notice are in addition to any other fees provided for in other notices or which may be due to the Authority contractually or otherwise.
- c) The Authority acts as an agent of Her Majesty in right of Canada for the purposes of this notice.
- d) The rights provided for in this notice are binding on Her Majesty in right of Canada or a province.

### 2. DEFINITIONS

In this notice, the term:

- a) **“Authority”** means the Québec Port Authority as defined in the Canada Marine Act, its letters patent issued on May 1, 1999, and its issued or upcoming supplementary letters patent;
- b) **“Ship”** means any vessel, barge, or floating craft intended for commercial purposes;
- c) **“Jurisdictional Boundaries of the Québec Port Authority”** refers to all navigable waters and territory under the jurisdiction of the Authority as defined in the Authority’s letters patent;
- d) **“Port”** or **“Port of Québec”** is a legal, physical, and territorial designation including any real property under the jurisdiction of the Authority as provided for in the letters patent issued on May 1, 1999, and its supplementary letters patent in accordance with the provisions of Canada Marine Act;
- e) **“Owner”** means the Owner of the goods or the Ship, but can also mean the shipping agent, the charter agent, the shipowner, the shipbroker, the shipowner’s agent, the master of the Ship, or any other duly authorised representative;
- f) **“Property of the Authority”** or any other term with the same meaning refers to real property under the jurisdiction of the Authority or movable property owned or held by it;
- g) **“Tonne”** refers to a metric tonne, equal to 1,000 kilograms.

### 3. SUBJECT GOODS

Environmental protection fees are imposed on all goods transshipped within the Authority’s Jurisdictional Boundaries including, but not limited to, goods which:

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- a) travel within, above, or below the Jurisdictional Boundaries of the Authority;
- b) are transshipped from one Ship to another within the Jurisdictional Boundaries of the Authority;
- c) are unloaded from a Ship and deposited in the water or which are taken from the water and loaded on a Ship within the Jurisdictional Boundaries of the Authority;
- d) are taken from the water and deposited on the Authority's Property or vice versa.

#### 4. CALCULATION OF FEES

- a) Subject to Section 6 of this notice, the applicable environmental protection fees are calculated according to the rates and features established and set out in schedules 1 and 2 forming an integral part hereof.
- b) Environmental protection fees are calculated by weight in metric Tonnes or according to the number of passengers;
- c) The agent, operator, or manager of each Ship from which goods subject to environmental protection fees have been loaded or unloaded must ensure that the Authority receives at its head office, within forty-eight (48) hours of loading or unloading at each berth, a certificate detailing the tonnage, type of goods, date, and the unloading or loading start and end times.
- d) Environmental protection fees are charged once on goods transshipped through the Authority's Jurisdictional Boundaries, unless they have left the Authority's Jurisdictional Boundaries or have changed form or composition before being transshipped.

#### 5. ENFORCEABILITY AND PAYMENT OF FEES

- a) Environmental protection fees are payable:
  - i) as soon as the goods are unloaded;
  - ii) as soon as the Ship departs;
  - iii) as soon as the service has been provided in other cases.
- b) No goods on which fees are due may leave the Jurisdictional Boundaries of the Authority until such fees have been paid or a bond to that effect has been accepted by the Authority.
- c) If the goods leave the Authority's Jurisdictional Boundaries before the fees are paid or the bond is accepted by the Authority, an additional amount equal to twenty-five percent (25%) of the fees payable must be paid in addition to such fees.
- d) The fees are payable in accordance with the provisions set out in the *Notice respecting payment terms and penalties for unpaid fees* (NQ-9).

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#### 6. EXCEPTION

- a) No environmental protection fees will be payable on cargo handling equipment carried by Ships for use exclusively on docks located within the Jurisdictional Boundaries of the Authority. The same applies to parts, equipment, and supplies of Ships that are not listed on the manifest.
- b) No environmental protection fees are payable on goods loaded or unloaded from the following ships:
  - i) Royal Canadian Warships, auxiliary ships of the Royal Canadian Navy, ships under the command of the Canadian Armed Forces, ships from visiting forces present in Canada within the meaning of the Visiting Forces Act, or ships under the command of the Royal Canadian Mounted Police.
  - ii) Ships performing work for the Authority;
  - iii) Ships berthed at the Port for the purposes of safe navigation that are not engaged in commercial operations.