



## **NOTICE NQ-2**

**Environmental Protection Fee**

### **Effective date**

**January 1, 2025**

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.

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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 cover costs and 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.

## 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) **“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;
- c) **“Cubic Metre”** means the volume occupied by a cube with an edge length of one metre.
- d) **“Ship”** means any vessel, barge, or floating craft intended for commercial purposes;
- e) **“Cruise Ship”** means a ship that transports passengers who can sleep on board and spend at least one night in beds or berths reserved for this purpose;
- f) **“Sightseeing Vessel”** means a ship that transports passengers for an excursion lasting less than one day with no option to stay aboard overnight;
- g) **“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*;
- h) **“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;

## NOTICE NQ-11

### Environmental Protection Fee

- i) **“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;
- j) **“Tonne”** refers to a metric tonne, equal to 1,000 kilograms.

### 3. SUBJECT GOODS AND SHIPS

Environmental protection fees are imposed on all goods loaded onto and unloaded from Ships within the Authority’s Jurisdictional Boundaries including, but not limited to, goods which:

- a) are loaded or unloaded within, above, or below the Jurisdictional Boundaries of the Authority;
- b) are loaded or unloaded 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 unloaded from a Ship and deposited on the Authority’s Property or are loaded onto a Ship from the Property of the Authority.
- e) are Ships stopping within the Jurisdictional Boundaries of the Authority with passengers. The fees are applicable to all Cruise Ships and Sightseeing Vessels, regardless of their flag.

### 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, volume in Cubic Metres, or according to the number of passengers;
- c) In the case of goods, the agent, operator, or manager of each Ship from which or to 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) In the case of goods, environmental protection fees are charged once, unless they have left the Authority’s Jurisdictional Boundaries or have changed form or composition before being leaving the Property of the Authority.
- e) In the case of passengers, a notice and a certificate (manifest) attesting to the number of passengers must be sent to the Authority at least 24 hours before the arrival or departure of the Cruise Ship or Sightseeing Vessel in or from the Jurisdictional Boundaries of the Authority. In the event that the ship Owner is unable to provide a manifest, the Authority will be justified in charging the fee according to the maximum number of passengers corresponding to the ship’s capacity.
- f) Ships engaged in activities such as, but not limited to, marine work or construction, for which the calculation of environmental protection fees as defined in Sections 4 a), b), c), d) and e) are not adapted, a fee based on agreement will be applied.

## NOTICE NQ-11

### Environmental Protection Fee

#### 5. ENFORCEABILITY AND PAYMENT OF FEES

- a) Environmental protection fees are payable:
  - i) as soon as the goods are unloaded or loaded;
  - ii) as soon as the Ship departs;
  - iii) as soon as the service has been provided in other cases;
  - iv) as soon as the Cruise Ship or Sightseeing Vessel leaves the Port and must be paid to the Authority's head office within sixty (60) days of the Ship's departure date, in legal tender prevailing in Canada.
- b) No goods or passengers 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 or passengers 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).

#### 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 or passengers 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.