

**MMSM Rules for Stewards with Respect to Payment of Fees for the Period  
Commencing January 1, 2018**

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## **PART I: DEFINITIONS**

1. In these Rules the following terms have the following meanings:

“**Act**” means *The Waste Reduction and Prevention Act* (Manitoba), S.M. 1989-90 c.60.

“**Adjustment Request**” is the mechanism by which Stewards may request changes to their previously Filed Annual Steward Report pursuant to the Adjustment Policy [\[insert link\]](#) posted on the MMSM website.

“**Affiliate**” means that one Steward shall be deemed to be affiliated with another Steward if:

- (a) one Steward is the subsidiary of the other Steward; or
- (b) both Stewards are subsidiaries of the same corporation; or
- (c) each Steward is ultimately controlled by the same corporation.

“**Annual Steward Report**” is the annual report Filed by all Stewards and Voluntary Stewards in accordance with Part IV of these Rules, which describes the aggregate amount of Designated Printed Paper and Packaging (PPP), expressed in kilograms or units by category, as set out in Appendix [A](#), Supplied by the Steward and its Franchisees or Affiliates during the Data Year.

“**Brand**” is a trademark.

“**Brand Owner**” is a Person Resident in Manitoba who is:

- (a) the owner of the registered or unregistered trademark; or
- (b) a licensee of the registered or unregistered trademark, where “licensee” includes a person who packages goods, the packaging of which is Printed Paper and Packaging and bears a trademark, other than a packer or filler of Private Label Goods, and includes any person whose corporate name or business name registration contains the trademark.

**“Confidential Information”** means sales or other data submitted by a Steward to MMSM that is not publically available from any source.

**“Consumer”** means an individual (other than a Person in the Industrial, Commercial, or Institutional (IC&I) sector) to whom Designated Printed Paper and Packaging is Supplied, regardless of whether the Designated Packaging and Printed Paper is disposed of by the Consumer in the Residential Waste System.

**“Data Year”** is the year for which the Steward is reporting, which could be:

- (a) the calendar year in which the Steward Supplied Printed Paper and Packaging;  
or
- (b) the Steward’s fiscal year in which the Steward Supplied Printed Paper and Packaging; or
- (c) for new Stewards only, an estimate of the Steward’s Supplied quantity of Printed Paper and Packaging for the calendar year or fiscal year.

**“Designated Packaging and Printed Paper”** is Printed Paper or Packaging or Service Packaging, consisting of glass, metal, paper, plastic, or any combination that is Supplied to a Consumer.

Designated Printed Paper and Packaging does not include:

- (a) containers for which a refundable deposit is payable when the goods are Supplied at retail and the packaging of those containers;
- (b) Transportation Packaging,
- (c) Durable Packaging,
- (d) Packaging or Service Packaging made of wood, ceramic, crystal, rubber, borosilicate glass or leather.

**“Durable Packaging”** is Packaging that is used for long-term use, protection, transportation or storage of the product, which has a useful life of at least five years and which remains with the product throughout its useful life.

**“Excluded Waste”** means:

- (a) any container defined in the used oil, oil filters, and containers stewardship regulation, Manitoba regulation 86/97; or
- (b) any paint container as defined in the Manitoba Household Hazardous Waste Regulation.

**“Filed”** or **“File”** means submitted by a Steward to MMSM through the WeRecycle Steward Portal at <https://wecycle.cssalliance.ca/>.

**“First Importer”** is a Person Resident in Manitoba who imports Designated Packaging and Printed Paper into Manitoba or is the first to take possession or control of Designated Packaging and Printed Paper into Manitoba:

- (a) for which a Brand Owner does not exist ; or
- (b) for which a Brand Owner does exist, but the Designated Packaging and Printed Paper entered Manitoba from outside of the Brand Owner’s distribution network through Parallel Import.

**“Franchisor”**, **“Franchisee”**, **“Franchise System”**, or **“Subfranchise”** have the meaning ascribed to these terms in *The Franchises Act*

<https://www.canlii.org/en/mb/laws/stat/ccsm-c-f156/latest/ccsm-c-f156.html?searchUrlHash=AAAAAQAWZnJhbmNoaXNIIGFjdCBtYW5pdG9iYQAAAAAB&resultIndex=2> .<sup>1</sup>

**“Gross Revenue”** means a Steward’s total revenue derived from all goods and services Supplied in Manitoba, without deduction.

**“Gross Weight”** means the total weight of all Designated Printed Paper and Packaging Supplied to Consumers, without deduction.

**“IC&I Material”** means Designated Printed Paper and Packaging which is supplied to the industrial, commercial, or institutional sector and which is not subsequently Supplied to Consumers.

**“IC&I Sector”** means the industrial, commercial, or institutional sector.

**“In Good Standing”** means a Steward who is current with and has fulfilled all of its Stewardship Obligations under these Rules, including with respect to:

- (a) Steward reporting;
- (b) Payment of Stewardship Fees;
- (c) Responding to reasonable inquiries by MMSM; and
- (d) Record keeping obligations.

**“Household Hazardous Products”** means any product obligated under the household hazardous waste program in Manitoba.

**“Methodology”** means the process used by the Steward to determine its calculation of its Supplied quantity of Designated Printed Paper and Packaging, including, but not limited to, data sources, percentage allocation of data reported, data collection systems, and the use of calculators, worksheets, commercial software, or mathematical formulae.

**“MMSM”** means Multi-Material Stewardship Manitoba.

**“Obligation Year”** means the calendar year, or any part thereof, for which the Steward is obligated to fulfill its stewardship obligations under these Rules.

**“On-Premise Waste Management Program”** means a Restaurant’s own on-premise waste management program, which results in Designated Printed Paper and Packaging

never entering the Residential Waste System and which is managed entirely at the Steward's own expense.

**"Packaging"** means materials that are used for the containment, protection, handling, delivery or presentation of goods Supplied to Consumers, and includes, but is not limited to, Service Packaging and all packaging components and ancillary elements integrated into the Packaging.

**"Parallel Importation"** means goods which enter Manitoba from outside of the Brand Owner's distribution network, as described in the Parallel Import Policy [[insert link](#)].

**"Permitted Deductions"** means the deductions that may be claimed by Stewards on receipt of MMSM's approval with respect to Designated Printed Paper and Packaging as permitted by sections X-X of these Rules. Other than the Permitted Deductions in sections X-X of these Rules, there are no other Permitted Deductions.

**"Person"** means an individual, partnership, joint venture, sole proprietorship, corporation, government, trust, trustee, executor, administrator or any other kind of legal personal representative, unincorporated organization, association, institution, or entity.

**"Primary Contact"** means an individual appointed by a senior officer in the Steward's organization as the Steward's authorized officer or agent under whose authority the Steward's Annual Steward Report is Filed according to the Primary Contact Policy [[insert link](#)].

**"Printed Paper"** means any material that is not packaging, but is printed with text or graphics as a medium for communicating information, Supplied to Consumers, and includes, but is not limited to:

- (a) newspapers, including those paid through subscription, provided through free distribution and those purchased through retail channels;

- (b) daily, weekly, monthly and quarterly glossy magazines including those paid through subscription, provided through free distribution and those purchased through retail channels;
- (c) directories, including those paid through subscription, provided through free distribution and those purchased through retail channels;
- (d) lottery tickets and lottery information;
- (e) warranty information, assembly instructions, product use instructions and health information, product registration cards and promotional information that is found inside purchased products;
- (f) envelopes, statements and information inserts from banks, credit companies, utilities, service providers, etc.;
- (g) information, forms and promotional materials distributed by municipal, regional, provincial and federal governments;
- (h) promotional calendars, posters that are distributed to consumers free of charge;
- (i) unsolicited promotional information, coupons, handbills and flyers; and
- (j) transportation and transit schedules.

Printed Paper does not include bound reference books, bound literary books, or bound textbooks.

**“Private Label Goods”** means goods that carry the Brand of a Brand Owner and are Supplied to Consumers by such Brand Owner that is a retailer in Manitoba.

**“Program Plan”** means the Packaging and Printed Paper Program Plan dated June 22, 2009, as may be amended from time to time, found here [\[Insert link\]](#).

**“Registered”** means having completed the registration process by submitting all of the requested information to MMSM either electronically or other means as required by MMSM, including:

- (a) company name and contact information;
- (b) Primary Contact information;

(c) permitted Steward exemption status based on Gross Revenues and Gross Weight.

**“Registered Charity”** means a charitable organization which is registered with the Canada Revenue Agency as a registered charity and listed in the attached link, which may be updated from time to time: <http://www.cra-arc.gc.ca/chrts-gvng/lstngs/menu-eng.html>.

**“Regulations”** means the Packaging and Printed Paper Stewardship Regulation, Man. Reg. 195/2008, as may be amended from time to time.

**“Reporting Deadline”** is the date by which a Steward must File its Annual Steward Report as set out in Appendix **B** to these Rules.

**“Resident in Manitoba”** a Steward is deemed to be resident in Manitoba, if it is deemed to carry out business in accordance with subsection 187(2) of *The Corporations Act* (Manitoba), R.S.M. 1987, c. C225, as amended from time to time, a copied below:

- (a) it has a resident agent or representative, or a warehouse, office or place of business in Manitoba; or
- (b) its name or any name under which it carries on business, together with an address for the body corporate in Manitoba, is listed in a Manitoba telephone directory; or
- (c) its name or any name under which it carries on business, together with an address for the body corporate in Manitoba, is included in any advertisement advertising the business or any product of the body corporate; or
- (d) it is the registered owner of real property situate in Manitoba; or
- (e) it otherwise carries on its business or undertaking in Manitoba.

**“Residential Waste System”** means a system of waste collection which services residential dwellings, including all single family and multi-family dwellings, regardless of whether the service is provided by a municipal government or by private contractors.

**“Restaurant”** for the purposes of these Rules, means an establishment which Supplies prepared food and beverages directly to Consumers, and includes take-home, drive-through or delivery services, but does not include restaurants on site at grocery retailers, general merchandise retailers, drug and pharmacy retailers, convenience and gas station retailers, club, wholesale, cash-and-carry retailers.

**“Rules”** means these Rules.

**“Service Packaging”** means packaging which may or may not bear a Brand that is Supplied at the point of sale by the retail, food-service or other service providers to facilitate the delivery of goods, and includes all bags, boxes, and other items for the containment of goods at point of sale.

**“Steward”** means the Person who is obligated with respect to Designated Printed Paper and Packaging in accordance with Part III of these Rules, and includes any Person who elects to become a Voluntary Steward in accordance with section X of these Rules and the Voluntary Steward Policy posted on the MMSM website.

**“Stewardship Fees”** means the Fees calculated in accordance with these Rules.

**“Supplied”** means sold, leased, donated, disposed of, used, transferred the possession of or title of, or otherwise made available to a Consumer or distributed for use by a Consumer in Manitoba. It does not include a supply that is effected solely to create a security interest within the meaning of the Personal Property Security Act or Bank Act (Canada) and subject to the conditions in section 3 of the Regulation. Supply and Supplies have similar meanings.

**“Transportation Packaging”** means Packaging that:

- (a) is used exclusively for packaging products during the shipment from their place of manufacture to the place of distribution in Manitoba;
- (b) is not Supplied to the Consumer;
- (c) does not enter the Residential Waste System; and
- (d) is not Service Packaging.

**“Validation Data”** means data such as SKU, UPC or other product categorization information, including:

- (a) descriptions of each product item or group;
- (b) product sizes;
- (c) packaging materials and weight;
- (d) sales volumes

that may be requested by MMSM to:

- (a) substantiate quantities reported by Stewards in their Annual Steward Report;
- (b) assess a Steward’s request for a Permitted Deduction; or
- (c) assess a Steward’s Adjustment Request.

**“Voluntary Steward”** means a Person who elects to become a Voluntary Steward in accordance with section X of these Rules and the Voluntary Steward Policy posted on the MMSM website.

**“WeRecycle Portal”** means the internet portal that must be used by all Stewards when submitting their Annual Steward Report in accordance with Part IV of these Rules.

## **PART II: APPLICATION, DURATION, NONCOMPLIANCE, POLICIES, NOTICE, CONFIDENTIALITY**

### **Application of These Rules**

2. These Rules apply to all:

- (a) Stewards who are obligated to File an Annual Steward Report in the current year;
- (b) Stewards (regardless of whether they have Registered) who were obligated but failed to File an Annual Steward Report in a prior year;<sup>2</sup>
- (c) New Stewards who began Supplying Printed Paper and Packaging in the current year or who began Supplying Printed Paper and Packaging in a prior year but did not Register at that time;
- (d) Stewards who make an Adjustment Request in the current year in accordance with the Adjustment Policy for any current or prior year's Annual Steward Report; and
- (e) Steward requests for Dispute Resolution made in the current year.

### **Duration of These Rules**

3. These Rules:

- (a) remain in force from the time that they are approved by the MMSM Board and are posted on the MMSM website until the time they are replaced on the MMSM website with MMSM Board-approved Rules; and
- (b) shall be automatically amended for years subsequent to 2018 by substituting the year appearing in these Rules with the subsequent year unless or until new rules are approved by the MMSM Board and are posted on the MMSM website.

### **Noncompliance with These Rules**

4. All Stewards are required to Register with MMSM and comply with these Rules.

Stewards who fail to Register with MMSM are prohibited from Supplying Designated Printed Paper and Packaging to Consumers. Failure to comply with these Rules may

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<sup>2</sup> These Rules apply to all Annual Steward Reports which should have been Filed but were not Filed by a Steward for a prior Data Year. However, the calculation of Fees associated with any past unfiled Annual Steward Report will be calculated in accordance with the Stewardship Fee rates applied in each of the applicable prior Data Years.

result in Administrative Fees, Penalties, Interest and/or compliance and enforcement actions undertaken by MMSM and/or the Ministry of the Environment as provided for:

- (a) in these Rules or in MMSM policies;
- (b) in the Packaging and Printed Paper Program Plan;
- (c) in the Packaging and Printed Paper Stewardship Regulation; or
- (d) as otherwise permitted by the Manitoba Ministry of the Environment.

### **Policies, Guidance and Interpretive Memoranda**

5. MMSM may, but is not required to, publish on MMSM's website policies, guidance, and interpretive memoranda (collectively "secondary guidance") with respect to these Rules that must be followed by Stewards. In the event of any conflict between the Rules and any secondary guidance, the Rules shall prevail.

### **Notice to MMSM**

6. A Steward must inform MMSM within 30 days of its change of address, change of Primary Contact, bankruptcy, closing, merger, acquisition, sale, or divestiture of all or part of its business and any impact on the Steward's obligation to pay Stewardship Fees. All notices to MMSM shall be provided:
  - (a) in writing, addressed to MMSM, Suite 200 — 283 Bannatyne Avenue Winnipeg, Manitoba, R3B 3B2, Attention: Executive Director with a copy sent by email to [insert CSSA email address]; or
  - (b) by email to [insert email address].

### **Notice to Stewards**

7. All Stewards (regardless of whether the Steward has Registered with MMSM) are deemed to have notice of the contents of these Rules and are bound by these Rules, including the reporting and payment obligations:
  - (a) from the time that these Rules are approved by the MMSM Board and posted on the MMSM website; and

- (b) from the time that the Steward begins to Supply Printed Paper and Packaging to Consumers.

### **Publishing of Company Names**

- 8. MMSM may, but is not required to, publish any of the following:
  - (a) the names of Stewards Filing an Annual Steward Report with MMSM;
  - (b) a list of all Stewards In Good Standing; and
  - (c) a Registry of all Brands reported in Annual Steward Reports.

### **Confidentiality**

- 9. MMSM will use reasonable diligence and care to prevent the unauthorized disclosure of a Steward's Confidential Information. MMSM may disclose Confidential Information:
  - (a) to its administrative service provider or a third party auditor, provided that the administrative service provider or the third party auditor also agrees to protect the Steward's Confidential Information;
  - (b) to the Manitoba Ministry of Environment as permitted by law or the Program Plan; or
  - (c) in accordance with the Steward's consent.

## **PART III: DESIGNATION OF STEWARDS**

### **Designation of Stewards**

- 10. Subject to the Parallel Importation Policy [[insert link](#)], the following Persons are designated as Stewards for Printed Paper and Packaging. If two or more Persons are designated as a Steward pursuant to the following provisions, then the earlier provision shall prevail.

### **Stewards for Packaging**

11. For Packaging, (except for Service Packaging) the Steward is the Person Resident in Manitoba who:

- (a) is the Brand Owner for the Manitoba market;
- (b) if the Person described in paragraph (a) does not exist, then a Person who manufactures, packs or fills or causes the manufacturing, packing or filling of products regardless of whether the activity takes place in Manitoba or not;
- (c) if a Person described in paragraphs (a) or (b) does not exist, then the First Importer, unless the First Importer is a Consumer.

### **Stewards for Printed Paper**

12. For Printed Paper, the Steward is the Person Resident in Manitoba who:

- (a) is the publisher of the Printed Paper, whether production of the Printed Paper takes place in Manitoba or not; or
- (b) if a Person described in paragraphs (a) does not exist, then a Person who is the title-owner of the Printed Paper or is a licensee of those rights for Manitoba, whether production of the Printed Paper takes place in Manitoba or not; or
- (c) if a Person described in paragraphs (a) or (b) does not exist, then a Person who prints or causes the printing of the Printed Paper whether the printing takes place in Manitoba or not; or
- (d) if a Person described in paragraphs (a), (b), or (c) does not exist, then the First Importer, unless the First Importer is a Consumer;

### **Franchisor is Obligated for Manitoba Franchisees Regardless of Franchisor's Residency**

13. A Franchisor is designated as a Steward with respect to all Printed Paper and Packaging which is Supplied to Consumers within the Franchisor's Manitoba Franchise System, regardless of whether the Franchisor is Resident in Manitoba.

### **Service Packaging (Point-of-Sale Bags or other Containers)**

14. Any Person that Supplies Service Packaging in Manitoba at the point-of-sale shall be the Steward for such Service Packaging.

#### **More than One Brand Owner for the Same Printed Paper and Packaging**

15. If there is more than one Brand Owner for the same Printed Paper and Packaging, the Brand Owner more directly connected to the production of the Printed Paper and Packaging shall be deemed to be the Steward.

#### **Products Containing Two or More Independent Brands**

16. If products containing two or more independent Brands are packaged to be Supplied together, the Brand Owner, First Importer or Franchisor most directly connected to the joint Packaging shall be designated as the Steward for the joint Packaging.

#### **Voluntary Stewards**

17. A Person may elect to become a Voluntary Steward in accordance with MMSM's Voluntary Steward Policy [\[insert link\]](#) upon execution of MMSM's Voluntary Stewardship Agreement by:

- (a) the Voluntary Steward; and
- (b) MMSM.

Voluntary Stewards must comply with these Rules and the Voluntary Steward Policy.

#### **Voluntary Steward Fails to Comply with Obligations**

18. In accordance with these Rules and the Voluntary Steward Agreement, in the event that the Voluntary Steward defaults on its responsibility to report on or pay Stewardship Fees with respect to the Printed Paper and Packaging Supplied in Manitoba, the obligation for that Printed Paper and Packaging will revert to the Brand Owner or First Importer.

#### **Stewards that are Not-For-Profit Entities**

19. Subject to Part V (Steward Exemptions From Reporting or Paying Fees), a Steward that is a not-for-profit entity, including Registered Charities, not-for-profit

corporations, educational institutions, municipalities and provincial agencies, is required to File an Annual Steward Report and pay Stewardship Fees pursuant to these Rules.

## **PART IV: STEWARD REPORTING**

### **Reporting Deadline for Stewards and Voluntary Stewards**

20. Every Steward shall:

- (a) File an Annual Steward Report and pay Stewardship Fees in accordance with the timetable in Appendix B;
- (b) if applicable, immediately File all overdue Steward Reports for prior Obligation Years; and
- (c) if applicable, File an Annual Steward Report within 60 calendar days after such Person becomes a Steward pursuant to Part III using the WeRecycle Portal.

### **Reporting Deadline for New Stewards**

21. A Steward who begins Supplying Designated Printed Paper and Packaging must Register with MMSM within 60 days and comply with the On-Boarding and Existing Policy [\[insert link\]](#). Stewards who fail to Register with MMSM

- (a) are prohibited from Supplying Designated Printed Paper and Packaging to Consumers; and
- (b) will be subject to the compliance and enforcement actions in section 4.

### **Reporting for Affiliates and/or Franchisees**

22. A Steward, including resident and non-resident Franchisors, shall report for its Manitoba Affiliates and/or Franchisees under one Steward number. Any Person whose Printed Paper and Packaging is included in its Affiliates' or Franchisors' Annual Steward Report shall not File a separate Annual Steward Report. Affiliates must seek MMSM's approval to report separately.

### **Contents of Annual Steward Report**

23. Each Steward shall provide MMSM with all of the information requested on the WeRecycle Portal, including but not limited to:

- (a) company name, mailing address, phone number, and sector;
- (b) Obligation Year and Data Year for the Annual Steward's Report;
- (c) contact information, including email addresses and phone numbers for the Steward's Primary Contact, billing contact, secondary contacts and environmental lead;
- (d) Gross Weights of Printed Paper and Packaging, without deduction, Supplied to Consumers during the Data Year according to the reporting categories set out in Appendix A, Table 1.
- (e) a description of Methodology and sources of data, including any changes from the Methodology used by the Steward in the prior year's Annual Steward Report;
- (f) details of any Permitted Deductions from Printed Paper and Packaging Supplied by the Steward, including data used to prepare, calculate and determine these Permitted Deductions;
- (g) any Steward initiatives, business practices, or Packaging changes that may explain any variation in quantities in Supplied Printed Paper and Packaging from the prior year's Annual Steward Report;
- (h) a list of Brands included in the Steward's Annual Steward Report, and any changes in Brands since the prior year's Annual Steward Report;
- (i) a list of all Affiliates and/or Franchisees included in the Annual Steward Report;
- (j) the Primary Contact's declaration that the Annual Steward Report is accurate.
- (k) Stewards that are filing Canadian Beverage Container Recycling Association's (CBCRA) Steward Reports are required to report their CBCRA data in the appropriate section of their MMSM Steward Report on the WeRecycle Portal as required in these Rules, and
- (l) If the Steward Supplied LDPE/HDPE film carry-out bags or Biodegradable film carry-out bags the Steward must provide gross number of units Supplied, without deduction.

**Deemed Obligated Materials are not Eligible for Deductions**

24. All Printed Paper and Packaging Supplied to Consumers through the following sales and distribution channels:

- (a) grocery retailers;
- (b) general merchandise retailers;
- (c) drug and pharmacy retailers;
- (d) convenience and gas station retailers;
- (e) club, wholesale, cash-and-carry;
- (f) product sales via the Internet;
- (g) on-premise factory stores for public or employees;
- (h) direct home sales; and
- (i) unsolicited Printed Paper delivered directly to households,

is deemed to be obligated Printed Paper and Packaging, and is not eligible for any Permitted Deduction, other than an approved deduction for Service Packaging which has been returned to the Brand Owner in accordance with section 24, regardless of whether the Designated Printed Paper and Packaging is disposed of in the Residential Waste System.

**Permitted Deduction: Service Packaging Returned to Retail**

25. A Brand Owner which operates a return to retail program for Service Packaging may apply for a deduction to MMSM for that portion of Service Packaging previously Supplied to Consumers which:

- (a) is returned by a Consumer to the Brand Owner;
- (b) is not a subsequently re-Supplied to a Consumer;
- (c) never enters the Residential Waste System; and
- (d) is managed by the Brand Owner entirely at the Brand Owner's expense.

Unless or until the deduction is approved by MMSM, the Steward may not take this deduction.

**Permitted Deduction: Restaurant's On-Premise Waste Management**

26. A Restaurant Steward which has established its own On-Premise Waste Management system for portions of its Printed Paper and Packaging may apply for a deduction to MMSM for that portion of Printed Paper and Packaging that:

- (a) is managed by the Restaurant's own On-Premise Waste Management Program;
- and
- (b) does not enter the Residential Waste System.

Unless or until the deduction is approved by MMSM, the Steward may not take this deduction.

### **Restaurants that Supply Consumers Using Take-Out, Drive-Through or Home Delivery**

27. A Restaurant Steward that Supplies Printed Paper and Packaging to Consumers through take-out, drive-through, or home delivery of products is required to report on the total quantities, without deduction, of Printed Paper and Packaging that are not managed exclusively through the Steward's own On-Premise Waste Management Program, regardless of whether the Printed Paper and Packaging Supplied through take-out, drive-through, or home delivery is disposed of in the Residential Waste System.

### **Identification of Permitted Deductions in the Steward's Annual Report**

28. A Steward who is claiming a Permitted Deduction in its Annual Steward Report must:

- (a) report on the Gross Weight of Printed Paper and Packaging Supplied to Consumers;
- (b) identify the Weight of the Printed Paper and Packaging, by material type, for which it seeks the Permitted Deduction in section 26 or 27.
- (c) complete and submit a Permitted Deduction form [\[insert link\]](#) identifying the objective method by which the Permitted Deduction was derived, which must include Validation Data;
- (d) provide the Validation Data upon which the Steward relies for the Permitted Deduction;

- (e) maintain the Steward's records in support of the Permitted Deduction for at least five years and make these records available to MMSM upon request; and
- (f) receive approval from MMSM for the Permitted Deduction before the Steward can claim the Permitted Deduction.

### **Steward Fails to File its Annual Steward Report**

29. If a Steward fails to File its Annual Steward Report by the deadline or otherwise in accordance with Part IV, MMSM will apply the fees and penalties in the Administrative Fee, Penalty and Interest Policy [\[insert link\]](#) and may take the action specified in section 4.

### **Steward's Duty to Ensure that the Annual Steward Report is Accurate**

30. Stewards must ensure that their Annual Steward Reports are accurate. Stewards shall not misrepresent any information provided to MMSM in the Annual Steward Report. A Steward who submits an Annual Steward Report containing incorrect data, upon notice from MMSM, will be:

- (a) deemed not to have complied with its reporting obligation, and subject to the Administrative Fees, Penalties and Interest Policy [\[insert link\]](#);
- (b) escalated to MMSM's compliance team and/or the Ministry of the Environment

### **Errors in the Annual Report**

31. Any Steward who discovers an error in its Annual Steward Report shall notify MMSM of the error within 30 days.

### **Steward Adjustment Requests to Annual Steward Report and Adjustment Policy**

32. A Steward who is In Good Standing may make a request to correct an error in an Annual Steward Report in accordance with the:

- (a) Adjustment Policy [\[insert link\]](#); and
- (b) Administrative Fee, Penalty and Interest Policy [\[insert link\]](#).

### **Corrections to the Steward Annual Report Initiated by MMSM**

33. MMSM may require changes to a Filed Annual Steward Report following an audit or review by MMSM. Stewards are required to report and pay for all Designated Printed Paper and Packaging Supplied to Consumers from the time the Steward begins Supplying the Designated Printed Paper and Packaging for a maximum of five years prior to the current calendar year.<sup>3</sup> Administrative fees, penalties and interest will be applied in accordance with the Administrative Fees Penalties and Interest Policy [\[insert link\]](#).

**Stewards are Obligated for All Data Years in which they Supplied Printed Paper and Packaging**

34. Subject to Part V (Steward Exemptions), Stewards are obligated to File and pay Fees for all Data Years from the date the Steward began Supplying Printed Paper and Packaging in Manitoba. This obligation applies regardless of whether the Steward has sufficient records to substantiate the Supplied quantities of Printed Paper and Packaging during prior years. Where necessary, MMSM will rely on the Steward's most recent sales data or other available data to set the prior years' Stewardship Fees.

**PART V: STEWARD EXEMPTIONS FROM REGISTERING, REPORTING OR PAYING FEES**

**Steward Reporting Exemption: Gross Revenues Less Than \$750,000**

35. A Steward is exempt from Filing an Annual Steward Report and paying fees to Stewardship Manitoba if, during the Data Year, the Steward's, its Affiliates', and/or its Franchisees' combined Gross Revenues from all:

(a) products; and/or

(b) services

Supplied in Manitoba was less than \$750,000.

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<sup>3</sup> For example, Stewards are responsible for the Fees (if any) associated with errors in a prior Data Year's Steward Report discovered by MMSM in the current calendar year (2018) for up to five prior calendar years (2017, 2016, 2015, 2014, and 2013).

### **MMSM May Require an Exempted Person to File an Annual Steward Report**

36. Regardless of section 35, MMSM may require a Steward to File an Annual Steward Report by sending a written notice by registered mail or email to an the Steward.

### **Steward Fee Exemption: Aggregate Quantity of Kilograms Generated Stewardship Fees of less than \$250.00 for the Data Year**

37. Other than a Steward with Gross Revenues of less than \$750,000, a Steward shall File an Annual Steward Report but shall be exempt from paying Stewardship Fees otherwise due and payable to MMSM if, during the Data Year, the Steward's aggregate quantity of kilograms generated Stewardship Fees of less than \$250.00 for the Data Year.

### **No Exemptions for Voluntary Stewards**

38. Voluntary Stewards are not eligible for the reporting and payment exemptions in sections 36, 37, 38, and 39.

## **PART VI: STEWARD FEES**

### **Steward's Obligation**

39. Stewards are required to pay Stewardship Fees on all Printed Paper and Packaging from the date they began to Supply Printed Paper and Packaging in Manitoba to the date they no longer Supply Printed Paper and Packaging in Manitoba. Stewards are deemed to have notice of their obligation to pay Stewardship Fees for the current Obligation Year and for all past Obligation Years from the time that these Rules are approved by the MMSM Board and posted on the MMSM website.

### **Calculation of Stewardship Fees**

40. A Steward's Stewardship Fee shall be calculated in accordance with:

- (a) the approved fee methodology in Appendix C; and
- (b) the annual material fee rates in Appendix D, as approved by the MMSM Board and also posted on the MMSM website.

### **Calculation of Stewardship Fees for New Stewards**

41. For a Steward that begins to Supply Printed Paper and Packaging on or after January 1, 2018, the Steward's 2018 MMSM Stewardship Fee will be calculated using an estimate of quantities of Printed Paper and Packaging that will be Supplied during 2018. The Annual Steward Report containing the estimate of quantities is due from the Steward to MMSM within 60 days of the date on which the Steward begins to Supply Printed Paper and Packaging in Manitoba. Additional information can be found in the Onboarding [\[insert link\]](#).

### **Stewards who Fail to Register with MMSM**

42. Any Steward who failed to Register with MMSM is required to pay the applicable administrative fees, penalties, and interest in accordance with the Administrative Fees, Penalties, and Interest Policy [\[insert link\]](#).

## **PART VII: COMPLIANCE**

### **Administrative Fees, Penalties and Interest**

43. MMSM shall impose administrative fees, penalties and interest on a Steward or Voluntary Steward in accordance with the Administrative Fee, Penalty and Interest Policy [\[insert link\]](#).

### **Steward and Voluntary Steward Records Retention**

44. All Stewards and Voluntary Stewards shall retain all of the records to substantiate and verify the accuracy of the information submitted in their Annual Steward Report for a period of not less than five years from the date of submission. Any Steward who fails to produce documentation to substantiate its Annual Steward Report Filed during the five year retention period must pay Stewardship Fees on the total amount of Printed Paper and Packaging:

- (a) substantiated by the Steward's available documentation; or
- (b) based on an estimate calculated with reference to a prior or subsequent year's Steward Report; or

(c) as determined by a third-party auditor, whichever is greater. Stewards are subject to the Administrative Fees, Penalties and Interest Policy [\[insert link\]](#).

### **Duty to Comply with MMSM's Requests for Documentation**

45. Upon written request, Stewards and Voluntary Stewards shall promptly provide documentation in support of their Annual Steward Report, including, but not limited to:

- (a) data used by Stewards or Voluntary Stewards in the preparation of any Annual Steward Report;
- (b) relevant information regarding Affiliates and/or Franchisees included in the Annual Steward Report;
- (c) calculation Methodology;
- (d) Gross Weight and deductions from Gross Weight;
- (e) Gross Revenue;
- (f) product and packaging data such as packaging samples or packaging data provided by vendors;
- (g) audit reports; and
- (h) a list of Brands included in the Annual Steward Report and any changes in Brands from those Brands reported in the prior Annual Steward Report.

### **Duty to Provide Access to MMSM**

46. A Steward or Voluntary Steward shall grant access during business hours to MMSM or its authorized representative to inspect and review the Steward's records maintained under Part VIII for up to five years after the Filing deadline for the Annual Steward Report.

### **Duty to Cooperate with a Verification Audit**

47. At the request of MMSM, a Steward must:

- (a) provide confirmation from a senior officer confirming that the data contained in the Annual Steward Report is accurate and complete; and

- (b) cooperate in an audit or review of the Steward's records, including:
  - (i) providing MMSM with all requested documentation, data, records and reports within 30 days of such request; and
  - (ii) providing access to the Steward's business premises by MMSM, its administrative service provider, or an independent third-party within 30 days of such request.

## **PART VIII: DISPUTE RESOLUTION**

### **Dispute Resolution Policy and Procedure**

48. Disputes between MMSM and a Steward or Voluntary Steward regarding the payment of Stewardship Fees shall be addressed through the Dispute Resolution Policy posted on the MMSM website [[attach link](#)]. A Steward must be In Good Standing to invoke Dispute Resolution.

**Appendix A****DPPP Reporting Categories for 2018**

<b>Material Category</b>	<b>Material Sub-Category</b>
Printed Paper	Newsprint
	Magazines and Catalogues
	Directories
	Other Printed Materials
Paper Packaging	Gable Top Containers – Non-Beverage
	Gable Top Containers – Beverage
	Aseptic Containers – Non-Beverage
	Aseptic Containers – Beverage
	Paper Laminates <sup>4</sup>
	Corrugated Cardboard <sup>5</sup>
	Boxboard and Other Paper Packaging
Plastic Packaging	Pet Bottles < 5 Litres - Non-Beverage
	Pet Bottles > = 5 Litres – Non-Beverage
	Pet Bottles < 5 Litres – Beverage
	PET Bottles > = 5 Litres – Beverage
	HDPE Bottles and Jugs < 5 Litres - Non-Beverage
	HDPE Bottles and Jugs >= 5 Litres – Non-Beverage

<sup>4</sup> Please report laminated Kraft bags in “Paper Laminates” category

<sup>5</sup> Please do not report laminated Kraft bags in “Corrugated cardboard”

Material Category	Material Sub-Category
	HDPE Bottles and Jugs <5 Litres - Beverage
	HDPE Bottles and Jugs > =5 Litres – Beverage
	Polystyrene
	Other Rigid Plastic <5 Litres - Non-Beverage
	Other Rigid Plastic > =5 Litres – Non-Beverage
	Other Rigid Plastic <5 Litres -Beverage
	Other Rigid Plastic >= 5 Litres – Beverage
	LDPE/HDPE Film
	LDPE/HDPE Film Carry-Out Bags
	Plastic Laminates – Non-Beverage
	Plastic Laminates – Beverage
	Biodegradable Plastic Film
	Biodegradable Plastic Film Carry Out Bags
	Biodegradable Rigid Plastic Containers – Non-Beverage
	Biodegradable Rigid Plastic Containers – Beverage
Steel and Other Metal Packaging	Other Steel and Metal Containers and Packaging – Non-Beverage
	Other Steel and Metal Containers AND Packaging – Beverage
	Paint Cans – Non-HHW Related Containers
	Aerosol Containers – Non-HHW Related Containers
Aluminum Packaging	Aluminum – Food Cans
	Aluminum Cans – Beverage
	Aluminum Aerosols – Non-HHW Related Containers

Material Category	Material Sub-Category
	Foil and Other Aluminum Packaging
Glass Packaging	Clear (Flint) Glass – Non-Beverage
	Clear (Flint) Glass – Beverage
	Coloured Glass – Non-Beverage
	Coloured Glass – Beverage

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**CBCRA Reports – Stewards must enter CBCRA data in the appropriate section on the WeRecycle Portal**

CBCRA Ancillary Packaging	
CBCRA Material Category	CBCRA Material Sub-Category
Paper Packaging	CBCRA Paper laminates
	CBCRA Corrugated cardboard
	CBCRA Boxboard and other paper packaging
Plastic Packaging	CBCRA Polystyrene
	CBCRA LDPE/HDPE film
	CBCRA Biodegradable plastic film
Aluminum Packaging	CBCRA Foil and other aluminum packaging

CBCRA Beverage Containers				
CBCRA Material Category	CBCRA Material Sub-Category	Size	# of units	kgs of material
Aluminum	CBCRA Aluminum	0-1 Litre (L)		
Plastics	CBCRA PET bottles and jugs	0-500 milliliter (ml)		
	CBCRA PET bottles and jugs	501 ml - 1 L		
	CBCRA PET bottles and jugs	over 1 L and under 5L		
	CBCRA PET bottles and jugs	over 5 L		
Plastics	CBCRA HDPE bottles and jugs	0-500 ml		
	CBCRA HDPE bottles and jugs	501 ml - 1 L		

CBCRA Beverage Containers				
CBCRA Material Category	CBCRA Material Sub-Category	Size	# of units	kgs of material
	CBCRA HDPE bottles and jugs	over 1 L and under 5L		
	CBCRA HDPE bottles and jugs	over 5 L		
Plastic	CBCRA Other Rigid plastic	0-500 ml		
	CBCRA PVC/Other Plastics	501 ml - 1 L		
	CBCRA PVC/Other Plastics	over 1 L and under 5L		
	CBCRA PVC/Other Plastics	over 5 L		
Glass	CBCRA Glass	0-500 ml		
	CBCRA Glass	501 ml - 1 L		
	CBCRA Glass	over 1 L		
Bi-metal	CBCRA Bi-metal cans	0-500 ml		
cans	CBCRA Bi-metal cans	501 ml - 1 L		
	CBCRA Bi-metal cans	over 1 L		
Poly coats	CBCRA Drink Boxes	0-500 ml		
	CBCRA Drink Boxes	501 ml - 1 L		
	CBCRA Drink Boxes	over 1 L		
Poly coats	CBCRA Gable Top	0-500 ml		
	CBCRA Gable Top	501 ml - 1 L		
	CBCRA Gable Top	over 1 L		
Other	CBCRA Drink Pouches	0-1 L		
	CBCRA Bag in a box	over 1 L		

CBCRA Beverage Containers				
CBCRA Material Category	CBCRA Material Sub-Category	Size	# of units	kgs of material
Plastic	CBCRA Other Rigid plastic	0-500 ml		
	CBCRA Biodegradable	501 ml - 1 L		
	CBCRA Biodegradable	over 1 L and under 5L		
	CBCRA Biodegradable	over 5 L		

**Appendix B****Reporting and Payment Schedule for 2018****Table 1**

<b>Reporting Schedule<sup>6</sup></b>	<b>2018 Due Date</b>
Steward's Report filing deadline	May 31, 2018

**Table 2**

<b>Payment Schedule<sup>7</sup></b>	<b>2018 Due Date</b>
<i>Quarterly payment option<sup>8</sup></i>	
First payment due (25%)	January 31, 2018
Second payment due (25%)	April 30, 2018
Third payment due (25%)	July 31, 2018
Fourth payment due (25%)	October 31, 2018
<i>Annual payment option<sup>9</sup></i>	
Annual payment due (100%)	January 31, 2018

<sup>6</sup> 2018 Reports are based on 2017 data except for new stewards whose data may be based on estimates

<sup>7</sup> 2017 Reports inform 2018 invoices

<sup>8</sup> Stewards may elect on the WeRecycle Portal to pay quarterly or annually

<sup>9</sup> Stewards may elect on the WeRecycle Portal to pay quarterly or annually

**Appendix C**  
**The Methodology for Calculating MMSM Fees**

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**Appendix D**

**Table of Fee Rates: January 1 to December 31, 2018**

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