

## Comparison of 2017 Rules to Proposed 2018 Rules – Steward Review

Current Rules Provision	Proposed Rules Provision
	<b>PART I: DEFINITIONS</b>
<b>Act</b> means <i>The Waste Reduction and Prevention Act</i> (Manitoba), S.M. 1989-90 c.60;	<b>Act</b> means <i>The Waste Reduction and Prevention Act</i> (Manitoba), S.M. 1989-90 c.60;
N/A	<b>“Adjustment Request”</b> 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
<b>Affiliates:</b> a Steward is affiliated with another entity if it controls or is controlled by the other entity or if both entities are controlled by a common entity, and, for greater certainty, in the case of a corporation, “affiliate,” “affiliated” and “control” have the meanings ascribed thereto by subsections 1(2) and (3) of The Corporations Act (Manitoba), R.S.M.1987, c. C225, as amended from time to time;	<b>“Affiliate”</b> means that one Steward shall be deemed to be affiliated with another Steward if: <ul style="list-style-type: none"> <li>(a) one Steward is the subsidiary of the other Steward; or</li> <li>(b) both Stewards are subsidiaries of the same corporation; or</li> <li>(c) each Steward is ultimately controlled by the same corporation.</li> </ul>
<b>Steward’s Report</b> means a report prepared by a Steward in the form set out in Appendix B to these Rules, and Filed in accordance with these Rules, which describes the aggregate amount of DPPP, expressed in kilograms or units by category, Supplied by the Steward and its Franchisees or Affiliates during the Data Year;	<b>“Annual Steward Report”</b> 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 Blue Box Waste, expressed in kilograms or units by category, Supplied by the Steward and its Franchisees or Affiliates during the Data Year.
	<b>“Brand”</b> is a trademark.
<b>Brand Owner</b> , with respect to any specific trademarked Designated Packaging or Printed Paper (DPPP), and any specific good Supplied with DPPP, where either the DPPP or the good bears a trademark at any time during the Data Year, means a person Resident in Manitoba, who: <ul style="list-style-type: none"> <li>(a) is the holder of the registered trademark of the DPPP or the good,</li> <li>(b) is the licensee, in respect of the registered trademark of the DPPP or the good,</li> <li>(c) owns the intellectual property rights to the unregistered trademark of the DPPP or the good, or</li> </ul>	<b>“Brand Owner”</b> is a Person Resident in Manitoba who is: <ul style="list-style-type: none"> <li>(a) the owner of the registered or unregistered trademark; or</li> <li>(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.</li> </ul>

Current Rules Provision	Proposed Rules Provision
<p>(d) is the licensee, in respect of the intellectual property rights to the unregistered trademark of the DPPP or the good; Where “licensee” includes a person who packages goods, the Packaging of which is DPPP 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;</p>	
<p><b>Commencement Date</b> means January 1, 2017;</p>	<p><b>REMOVED</b></p>
<p><b>Commercial Connection:</b> a person has a commercial connection with DPPP when it derives direct economic benefit when it is Supplied for consumption in Manitoba;</p>	<p><b>REMOVED</b></p>
<p>N/A</p>	<p><b>“Confidential Information”</b> means sales or other data submitted by a Steward to MMSM that is not publically available from any source.</p>
<p>N/A</p>	<p><b>“Consumer”</b> means an individual (other than a Person in the Industrial, Commercial, or Institutional (IC&amp;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.</p>
<p><b>Data Year</b> means the calendar year January 1, 2016 to December 31, 2016. For the steward that becomes obligated and registers on or after January 1, 2017, a different Data Year may be used, as approved by MMSM;</p>	<p><b>“Data Year”</b> is the year for which the Steward is reporting, which could be:</p> <ul style="list-style-type: none"> <li>(a) the calendar year in which the Steward Supplied Printed Paper and Packaging; or</li> <li>(b) the Steward’s fiscal year in which the Steward Supplied Printed Paper and Packaging; or</li> <li>(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.</li> </ul>
<p><b>Designated Packaging</b> means any package or container, or any part of a package or container, that is comprised of glass, metal, paper or plastic, or any combination of any of those materials, and it includes but is not limited to Service Packaging, Supplied to consumers in Manitoba, but it does not include containers for which a refundable deposit is payable when the goods are Supplied at retail and the packaging of those containers;</p>	<p><b>“Designated Printed Paper and Packaging”</b> 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:</p> <ul style="list-style-type: none"> <li>(a) containers for which a refundable deposit is payable when the goods are Supplied at retail and the packaging of those containers;</li> <li>(b) Transportation Packaging,</li> <li>(c) Durable Packaging,</li> </ul>

Current Rules Provision	Proposed Rules Provision
	(d) Packaging or Service Packaging made of wood, ceramic, crystal, rubber, borosilicate glass or leather
<b>Designated Packaging or Printed Paper (DPPP)</b> means Designated Packaging and Printed Paper Supplied to consumers in Manitoba;	<b>REMOVED</b>
N/A	<b>“Durable Packaging”</b> 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.
N/A	<b>“Excluded Waste”</b> 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.
<b>Filed</b> means electronically submitted by a Steward to MMSM, through the WeRecycle portal;	<b>“Filed”</b> or <b>“File”</b> means submitted by a Steward to MMSM through the WeRecycle Steward Portal at <a href="https://werecycle.cssalliance.ca/">https://werecycle.cssalliance.ca/</a> .
<b>First Importer</b> means a person Resident in Manitoba, who imports into Manitoba:  (a) a specific Printed Paper which is DPPP, for which a Brand Owner does not exist, or (b) a specific good, the packaging of which is DPPP, for which a Brand Owner does not exist; and includes a person Resident in Manitoba who is the first to take title to such Printed Paper or good, upon or after arrival in Manitoba from elsewhere during the Data Year;	<b>“First Importer”</b> 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.
<b>First Seller</b> means the person designated as the obligated Steward for any	<b>REMOVED</b>

Current Rules Provision	Proposed Rules Provision
particular DPPP in these Rules;	
<b>Franchisor, Franchisee and Franchise System</b> have the meanings ascribed thereto under the Franchises Act (Manitoba)	<b>“Franchisor”, “Franchisee”, “Franchise System”, or “Subfranchise”</b> have the meaning ascribed to these terms in <i>The Franchises Act</i> <a href="https://www.canlii.org/en/mb/laws/stat/ccsm-c-f156/latest/ccsm-c-f156.html?searchUrlHash=AAAAQAWZnJhbmNoaXNIIGFjdCBtYW5pdG9iYQAAAAAB&amp;resultIndex=2">https://www.canlii.org/en/mb/laws/stat/ccsm-c-f156/latest/ccsm-c-f156.html?searchUrlHash=AAAAQAWZnJhbmNoaXNIIGFjdCBtYW5pdG9iYQAAAAAB&amp;resultIndex=2</a>
<b>Gender, Number and Persons</b> in these Rules, words importing the singular shall include the plural and vice versa, the number of the verb shall be construed as agreeing with the word so substituted, and words importing gender shall include all genders. In these Rules, words importing persons shall include individuals, corporations, partnerships, associations, trusts, unincorporated organizations, governmental bodies and other legal or business entities of any kind whatsoever;	<b>REMOVED</b>
<b>Gross Revenues</b> , in the business of retailing, shall be deemed to be the total of revenue from all services provided in Manitoba and the cost of merchandise sold in Manitoba	<b>“Gross Revenue”</b> means a Steward’s total revenue derived from all goods and services Supplied in Manitoba, without deduction.
N/A	<b>“Gross Weight”</b> means the total weight of all Designated Printed Paper and Packaging Supplied to Consumers, without deduction.
<b>Household Hazardous Products</b> includes any product regulated and in effect, under the Household Hazardous Waste (HHW) Program in Manitoba Regulation, C.C.S.M. c. W40;	<b>“Household Hazardous Products”</b> means any product obligated under the household hazardous waste program in Manitoba <b>HHW) Program in Manitoba Regulation, C.C.S.M. c. W40;</b>
<b>Household Hazardous Product Container</b> includes any product container that is managed by the HHW program in Manitoba Regulation, C.C.S.M. c. W40;	<b>REMOVED</b>
N/A	<b>“IC&amp;I Material”</b> means Designated Printed Paper and Packaging which is supplied to the industrial, commercial, or institutional sector and which is not subsequently Supplied to

Current Rules Provision	Proposed Rules Provision
	Consumers.
N/A	“ <b>Industrial, Commercial &amp; Industrial (IC&amp;I) Sector</b> ” means the industrial, commercial, or institutional sector.
N/A	“ <b>In Good Standing</b> ” means a Steward who is current with and has fulfilled all of its Stewardship Obligations under these Rules, including with respect to: <ul style="list-style-type: none"> <li>(a) Steward reporting;</li> <li>(b) Payment of Stewardship Fees;</li> <li>(c) Responding to reasonable inquiries by MMSM; and</li> <li>(d) Record keeping obligations.</li> </ul>
<p><b>Interest Rate</b> means the prime rate established by the Royal Bank of Canada as at the close of business on the first day of each month plus three (3) percent;</p>	<b>REMOVED</b>
<p><b>Methodology</b> means the process the steward used to:</p> <ul style="list-style-type: none"> <li>(a) Determine DPPP Supplied including, but not limited to, data sources, percentage allocation of data reported, data collection systems, and the use of calculators, worksheets or mathematical formulas, whether or not they were previously approved by MMSM; and</li> <li>(b) Determine exclusions;</li> </ul>	“ <b>Methodology</b> ” means the process used by the Steward to determine its calculation of its Supplied quantity of Designated Blue Box Waste, 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.
N/A	“ <b>Obligation Year</b> ” means the calendar year, or any part thereof, for which the Steward is obligated to fulfill its stewardship obligations under these Rules.
N/A	“ <b>On-Premise Waste Management Program</b> ” means a Restaurant’s own on-premise waste management program, which results in Designated Printed Paper and Packaging never entering the municipal Residential Waste System and which is managed entirely at the Steward’s own expense.
<p><b>Packaging</b> means any package or container, or any part of a package or container, that is comprised of glass, metal, paper or plastic, or any combination of those materials and includes, but is not limited to Service Packaging;</p>	“ <b>Packaging</b> ” 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.
N/A	“ <b>Parallel Importation</b> ” means goods which enter Manitoba from outside of the Brand

Current Rules Provision	Proposed Rules Provision
	Owner's distribution network, as described in the Parallel Import Policy [ <a href="#">insert link</a> ].
N/A	<p><b>“Permitted Deductions”</b> 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 <del>X-X</del> of these Rules. Other than the Permitted Deductions in sections <del>X-X</del> of these Rules, there are no other Permitted Deductions.</p>
N/A	<p><b>“Person”</b> 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.</p>
<p><b>Prescribed Activity</b> means:</p> <ol style="list-style-type: none"> <li>1. an activity or program of the Government of Manitoba, or of a municipality or local government district, or of a community or incorporated community as defined in The Northern Affairs Act;</li> <li>2. an activity or program of a school, college, university or other educational institution, including, but not limited to an educational, administrative, fundraising, public-relations or alumni-relations activity or program;</li> <li>3. an activity or program of a church or other religious, administrative, fund-raising or public-relations activity or program;</li> <li>4. an activity or program of a non-profit organization, including, but not limited to, an educational, administrative, fund-raising or public relations activity or program;</li> </ol>	<p><b>REMOVED</b></p>
N/A	<p><b>“Primary Contact”</b> 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</p>

Current Rules Provision	Proposed Rules Provision
<p><b>Printed Paper</b> means any material that is not packaging, but is printed with text or graphics as a medium for communicating information, and includes telephone directories but does not include:</p> <ol style="list-style-type: none"> <li>1. other types of bound reference books;</li> <li>2. bound literary books; or</li> <li>3. bound textbooks;</li> </ol>	<p>Steward's Annual Steward Report is Filed according to the Contact Appointment Policy available <a href="#">here</a>.</p> <p><b>"Printed Paper"</b> means all Printed paper Supplied to Consumers, and includes, but is not limited to:</p> <ol style="list-style-type: none"> <li>(a) newspapers, including those paid through subscription, provided through free distribution and those purchased through retail channels;</li> <li>(b) daily, weekly, monthly and quarterly glossy magazines including those paid through subscription, provided through free distribution and those purchased through retail channels;</li> <li>(c) directories, including those paid through subscription, provided through free distribution and those purchased through retail channels;</li> <li>(d) lottery tickets and lottery information;</li> <li>(e) warranty information, assembly instructions, product use instructions and health information, product registration cards and promotional information that is found inside purchased products;</li> <li>(f) envelopes, statements and information inserts from banks, credit companies, utilities, service providers, etc.;</li> <li>(g) information, forms and promotional materials distributed by municipal, regional, provincial and federal governments;</li> <li>(h) promotional calendars, posters that are distributed to consumers free of charge;</li> <li>(i) unsolicited promotional information, coupons, handbills and flyers; and</li> <li>(j) transportation and transit schedules.</li> </ol> <p>Printed Paper does not include bound reference books, bound literary books, or bound textbooks.</p>
<p><b>Private Label Goods</b> means goods that carry the brand or trademark of a Brand Owner and sold or delivered to consumers by such Brand Owner in Manitoba;</p>	<p><b>"Private Label Goods"</b> 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.</p>

Current Rules Provision	Proposed Rules Provision
<p><b>Proxy Report</b> means a prior Steward Report as referred to in section 4) (4) below;</p> <p>4) (4) If a Steward's Report has not been filed within 90 days of the date specified in Subsection 4(2) of these Rules, MMSM may file a Steward's Report on behalf of such Steward (a "Proxy" report), based on the Steward's previous year's Steward's Report. The steward is still required to submit actual quantities to MMSM.</p>	<p><b>REMOVED</b></p>
<p><b>Published Address</b> means an address in Manitoba appearing in a current telephone directory or a recognized current published business directory;</p>	<p><b>REMOVED</b></p>
<p><b>Registered</b> means having electronically submitted the following information to MMSM at the interactive website maintained by MMSM:</p> <ol style="list-style-type: none"> <li>1. Company information,</li> <li>2. Primary contact information,</li> <li>3. Exemption status based on Gross Revenues in Manitoba, and</li> <li>4. If exempt under section 6 of these Rules, documentation from accredited legal or accounting professional stating Manitoba Gross Revenues;</li> </ol>	<p><b>"Registered"</b> 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:</p> <ol style="list-style-type: none"> <li>(a) company name and contact information;</li> <li>(b) Primary Contact information; and</li> <li>(c) permitted Steward exemption status based on Gross Revenues and Gross Weight</li> </ol>
<p>6) (6) Companies that carry on a Prescribed Activity are not exempt by Subsection 6(1).</p>	<p><b>"Registered Charity"</b> 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 made under the Act: <a href="http://www.cra-arc.gc.ca/chrts-gvng/lstngs/menu-eng.html">http://www.cra-arc.gc.ca/chrts-gvng/lstngs/menu-eng.html</a>.</p>
<p><b>Regulation</b> means the Packaging and Printed Paper Stewardship Regulation, Manitoba Regulation 195/2008, made under the Act;</p>	<p><b>"Regulations"</b> means the Packaging and Printed Paper Stewardship Regulation, Man. Reg. 195/2008, as may be amended from time to time.</p>
<p>N/A</p>	<p><b>"Reporting Deadline"</b> is the date by which a Steward must File its Annual Steward Report as set out in Appendix <b>B</b> to these Rules.</p>
<p><b>Resident in Manitoba</b>, with respect to a corporation, means a corporation that,</p>	<p><b>"Resident in Manitoba"</b> a Steward is deemed to be resident in Manitoba, if it is deemed to</p>



Current Rules Provision	Proposed Rules Provision
<p>during any time in the Data Year, is deemed to carry on business in Manitoba in accordance with subsection 187(2) of The Corporations Act (Manitoba), R.S.M. 1987, c. C225, as amended from time to time, a copy of which is annexed as Appendix A.;</p>	<p>carry out business in accordance with subsection 187(2) of <i>The Corporations Act</i> (Manitoba), R.S.M. 1987, c. C225, as amended from time to time, a copied below:</p> <ul style="list-style-type: none"> <li>(a) it has a resident agent or representative, or a warehouse, office or place of business in Manitoba; or</li> <li>(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</li> <li>(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</li> <li>(d) it is the registered owner of real property situate in Manitoba; or</li> <li>(e) it otherwise carries on its business or undertaking in Manitoba.</li> </ul>
N/A	<p><b>“Residential Waste System”</b> 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.</p>
N/A	<p><b>“Restaurant”</b> 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.</p>
<p><b>Rules</b> mean these rules</p>	<p><b>“Rules”</b> means these Rules.</p>
<p><b>Service Packaging</b> means packaging that is filled or applied at the point of sale to enable or facilitate the delivery of goods Supplied by a retail seller or food service industry or other service industry outlet;</p>	<p><b>“Service Packaging”</b> 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.</p>
<p><b>Steward</b> means a person who is a Steward of DPPP, as defined in section 1 of the Regulation and in section 2 below;</p>	<p><b>“Steward”</b> 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</p>

Current Rules Provision	Proposed Rules Provision
<p><b>Steward's Report</b> means a report prepared by a Steward in the form set out in Appendix B to these Rules, and Filed in accordance with these Rules, which describes the aggregate amount of DPPP, expressed in kilograms or units by category, Supplied by the Steward and its Franchisees or Affiliates during the Data Year;</p>	<p>Voluntary Steward Policy posted on the MMSM website. <b>REMOVED</b></p>
N/A	<p><b>"Stewardship Fees"</b> means the Fees calculated in accordance with these Rules.</p>
<p><b>Supply</b> means supplied to consumers in Manitoba as defined and described in the Regulation, Section 1, means to transfer a property interest by:</p> <ul style="list-style-type: none"> <li>(a) sale, whether conditional or otherwise;</li> <li>(b) exchange;</li> <li>(c) barter;</li> <li>(d) lease or rental, whether with an option to purchase or otherwise; or</li> <li>(e) gift;</li> </ul> <p>but does not include a Supply that is effected solely to create a security interest within the meaning of The Personal Property Security Act or the Bank Act (Canada) and subject to the conditions of Section 3 of the Regulation;</p>	<p><b>"Supplied"</b> 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.</p>
N/A	<p><b>"Transportation Packaging"</b> means Packaging that:</p> <ul style="list-style-type: none"> <li>(a) is used exclusively for packaging products during the shipment from their place of manufacture to the place of distribution in Manitoba;</li> <li>(b) is not Supplied to the Consumer;</li> <li>(c) does not enter the Residential Waste System; and</li> <li>(d) is not Service Packaging.</li> </ul>
N/A	<p><b>"Validation Data"</b> means data such as SKU, UPC or other product categorization information, including:</p> <ul style="list-style-type: none"> <li>(a) descriptions of each product item or group;</li> <li>(b) product sizes;</li> </ul>

Current Rules Provision	Proposed Rules Provision
	(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.
<b>Voluntary Steward</b> means a person who elects to become a Steward in accordance with subsection 2(b) of these Rules and with the Voluntary Steward policy posted on the MMSM website.	<b>"Voluntary Steward"</b> 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.
N/A	<b>"WeRecycle Portal"</b> 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.
	<b>PART II: APPLICATION, DURATION, NONCOMPLIANCE, POLICIES, NOTICE, CONFIDENTIALITY</b>
N/A	<b>Application of These Rules</b> 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>1</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.
N/A	<b>Duration of These Rules</b> 3. These Rules:

<sup>1</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.

Current Rules Provision	Proposed Rules Provision
	<p>(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</p> <p>(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.</p>
<p>Various sections</p> <p><b>4) Steward's Report</b></p> <p>(1) Every Steward should have Registered with MMSM no later than March 31, 2010 or within 30 days of the date in which they become Resident in Manitoba (whichever is earlier);</p> <p>(2) Subject to Section 6 (1), 6 (3), and 6 (4), every Steward shall file a 2017 Steward's Report with MMSM no later than May 31, 2017.</p> <p><b>5) Penalties, Interest and Back Fees</b></p> <p>(1) Stewards who fail to report by the dates specified in Appendix C will be subject to a penalty calculated at 10% of fees due and payable.</p> <p>(2) Stewards who fail to pay fees by the date specified in the timetable set out in Appendix C will be subject to interest charges at the Interest Rate on the unpaid fees.</p> <p><b>8) Enforcement</b></p> <p>Failure to pay fees or file a Steward's Report in accordance with the requirements stated in these Rules is a violation of these Rules and may be</p>	<p><b>Noncompliance with These Rules</b></p> <p>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 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:</p> <p>(a) in these Rules or in MMSM policies;</p> <p>(b) in the Packaging and Printed Paper Program Plan;</p> <p>(c) in the Packaging and Printed Paper Stewardship Regulation; or</p> <p>(d) as otherwise permitted by the Manitoba Ministry of the Environment.</p>

Current Rules Provision	Proposed Rules Provision
subject to enforcement under the Act.	
<b>10) Interpretive Memoranda</b> MMSM may publish on its website interpretive memoranda describing its interpretations of these Rules and how it proposes to administer them.	<b>Policies, Guidance and Interpretive Memoranda</b> 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.
N/A	<b>Notice to MMSM</b> 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; or (b) by email to [insert email address].
N/A	<b>Notice to Stewards</b> 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.
<b>11) Publishing of Company names</b> (1) The names of Stewards who are exempt pursuant to Section 6 will be posted on the MMSM website and identified as such. (2) The names of registered Stewards to MMSM will be posted on the	<b>Publishing of Company Names</b> 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;

Current Rules Provision	Proposed Rules Provision
<p>MMSM website.</p> <p>(3) The names of Voluntary Stewards who have executed an MMSM Voluntary Steward Agreement under section 2(b) shall be posted on the MMSM website on an annual basis.</p> <p>(4) MMSM may post the registry of all brands reported in Steward's Reports from time to time.</p> <p>(5) MMSM may publish on its website the name of any person that may appear to be a Steward, but which it has determined upon investigation not to be obligated Steward in Manitoba</p> <p>(6) MMSM may publish on its website the list of companies who are compliant with these Rules.</p> <p>(7) MMSM may post on its website the names of Stewards who have not filed a Steward's Report and it perceives to be in violation of these Rules</p>	<p>(b) a list of all Stewards In Good Standing; and</p> <p>(c) a Registry of all Brands reported in Annual Steward Reports.</p>
<p><b>Confidentiality</b></p> <p>(1) Definition of Confidential Information</p> <p>MMSM acknowledges and agrees that certain information made available to it from time to time in accordance with the Rules and the Stewardship Program by Stewards is confidential in nature. For the purposes of these Rules, confidential information ("Confidential Information") means information received by MMSM or its employees that (i) is not generally known in the industry in which a Steward is engaged, (ii) is "personal information" within the meaning of the Personal Information Protection and Electronic Documents Act (Canada), as amended from time to time, or such provincial legislation as is applicable, or (iii) would do financial harm to a Steward if divulged, and shall include all reporting documentation provided by a Steward in accordance with the Rules.</p> <p>(2) Non-disclosure and Non-use of Confidential Information</p>	<p><b>Confidentiality</b></p> <p>9. MMSM will use reasonable diligence and care to prevent the unauthorized disclosure of a Steward's Confidential Information. MMSM may disclose Confidential Information:</p> <p>(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;</p> <p>(b) to the Manitoba Ministry of Environment as permitted by law or the Program Plan; or</p> <p>(c) in accordance with the Steward's consent</p>

Current Rules Provision	Proposed Rules Provision
<p>MMSM agrees to take reasonable precautions to prevent any unauthorized use, disclosure, publication, or dissemination of Confidential Information. MMSM further agrees not to use Confidential Information for its own benefit without the prior written approval of a Steward.</p> <p>(3) Disclosure</p> <p>MMSM may disclose Confidential Information if required by any judicial or governmental request, requirement or order; provided that MMSM will take reasonable steps to give the Steward sufficient prior notice in order to contest such request, requirement or order by notifying the Steward of such request.</p> <p>(4) No Obligations</p> <p>No other obligations, express or implied, are created or assumed by MMSM, except as stated herein</p>	
<p><b>2) Stewards</b></p> <p>(a) <b>Obligated Stewards:</b> For the purpose of determining which person shall be the obligated Steward for a particular category of DPPP, the following provisions shall apply, in the order in which they are set out. For greater certainty, if two or more persons are obligated pursuant to the following categories, the provision which is first in this list shall prevail:</p> <p>(1) A Brand Owner is the obligated Steward with respect to all DPPP and the Packaging of all goods, for which it has a Commercial Connection in the Data Year;</p> <p>(2) A Franchisor is the obligated Steward with respect to all DPPP and the</p>	<p><b>PART III: DESIGNATION OF STEWARDS</b></p> <p><b>Designation of Stewards</b></p> <p>10. Subject to the Parallel Importation Policy [<a href="#">insert link</a>], 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.</p>

Current Rules Provision	Proposed Rules Provision
<p>Packaging of all goods, Supplied within the relevant Franchise System in the Data Year;</p> <p>(3) In the event that there is no Brand Owner or Franchisor, a First Importer is the obligated Steward with respect to all DPPP and the Packaging of all goods for which it is the First Importer in the Data Year;</p> <p>(4) In the event there is more than one Brand Owner for the same DPPP, the Brand Owner or First Importer more directly connected to the production of the DPPP shall be the obligated Steward, provided that in the case of a Franchisor who is Resident in Manitoba, the Franchisor shall be the obligated Steward;</p> <p>(5) In the event that consumer products containing two or more independent brands are packaged together for sale in Manitoba, then the Brand Owner more closely associated to the joint packaging shall be the obligated Steward for such joint Packaging;</p> <p>(6) In the event there is not an identifiable brand for a particular DPPP and if the manufacturer of the good is Resident in Manitoba, the manufacturer of such good shall be the obligated Steward for such DPPP, otherwise the First Importer shall be the obligated Steward for such DPPP;</p> <p>(7) Any person who Supplies Service Packaging to consumers in Manitoba in the Data Year; and</p> <p>(8) Any person who is a Voluntary Steward in the Data Year.</p>	
<p><b>See above or Appendix A for full section 2) (a) on Obligated Stewards</b></p>	<p><b>Stewards for Packaging</b> 11. For <u>Packaging</u>, (except for Service Packaging) the Steward is the Person Resident in Manitoba who:</p>



Current Rules Provision	Proposed Rules Provision
	<ul style="list-style-type: none"> <li>(a) is the Brand Owner for the Manitoba market;</li> <li>(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;</li> <li>(c) if a Person described in paragraphs (a) or (b) does not exist, then the First Importer, unless the First Importer is a Consumer.</li> </ul>
<p><b>See above or Appendix A for full section 2) (a) on Obligated Stewards</b></p>	<p><b>Stewards for Printed Paper</b></p> <p>12. For <u>Printed Paper</u>, the Steward is the Person Resident in Manitoba who:</p> <ul style="list-style-type: none"> <li>(a) is the publisher of the Printed Paper, whether production of the Printed Paper takes place in Manitoba or not; or</li> <li>(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</li> <li>(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</li> <li>(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;.</li> </ul>
<p>2) (a) (2) A Franchisor is the obligated Steward with respect to all DPPP and the Packaging of all goods, Supplied within the relevant Franchise System in the Data Year;</p>	<p><b>Franchisor is Obligated for Manitoba Franchisees Regardless of Franchisor's Residency</b></p> <p>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.</p>
<p>2) (a) (7) Any person who Supplies Service Packaging to consumers in Manitoba in the Data Year;</p>	<p><b>Service Packaging (Point-of-Sale Bags or other Containers)</b></p> <p>14. Any Person that Supplies Service Packaging in Manitoba at the point-of sale shall be the Steward for such Service Packaging.</p>
<p>2) (a) (5) In the event that consumer products containing two or more independent brands are packaged together for sale in Manitoba, then the Brand Owner more closely associated to the joint packaging shall be the obligated Steward for such joint Packaging;</p>	<p><b>More than One Brand Owner for the Same Designated Blue Box Waste</b></p> <p>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.</p>

Current Rules Provision	Proposed Rules Provision
<p>2) (a) (4) In the event there is more than one Brand Owner for the same DPPP, the Brand Owner or First Importer more directly connected to the production of the DPPP shall be the obligated Steward, provided that in the case of a Franchisor who is Resident in Manitoba, the Franchisor shall be the obligated Steward;</p>	<p><b>Products Containing Two or More Independent Brands</b> 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.</p>
<p><b>2) (b) Voluntary Stewards:</b> Any person who elects to become the Steward of DPPP which otherwise would be the responsibility of another Steward shall be deemed a Steward upon execution of an MMSM Voluntary Steward Agreement in accordance with the Voluntary Steward Policy and related deadlines, notice of which are posted on the MMSM website. MMSM, at its sole discretion, shall decide whether to enter into such agreement. The Steward who otherwise would be responsible is exempt from the requirement to file a Steward's Report and pay fees with respect to such DPPP during the currency of such contract.</p>	<p><b>Voluntary Stewards</b> 17. A Person may elect to become a Voluntary Steward in accordance with MMSM's Voluntary Steward Policy upon execution of MMSM's Voluntary Stewardship Agreement <a href="#">[insert link]</a> by: (a) the Voluntary Steward; and (b) MMSM.</p>
<p>N/A</p>	<p><b>Voluntary Steward Fails to Comply with Obligations</b> 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.</p>
<p>6) (1) Companies that carry on a Prescribed Activity are not exempt by Subsection 6(1).</p> <p><b>6) Steward Exemptions from Reporting</b></p> <p>(1) Stewards are exempt from filing a Steward's Report and paying the fees otherwise due, if during the Data Year, the Steward, its Affiliates, and Franchisees had combined Gross Revenues from the sale of all products and services in Manitoba which was less than \$750,000;</p> <p><b>Prescribed Activity</b> means:</p> <ol style="list-style-type: none"> <li>1. an activity or program of the Government of Manitoba, or of a</li> </ol>	<p><b>Stewards that are Not-For-Profit Entities</b> 19. Subject to Part V (Steward Exemptions From Reporting or Paying Fees), a Steward that is a not-for-profit entity, including municipalities, provincial agencies, colleges, or universities, is required to report and pay Stewardship Fees pursuant to these Rules.</p>

Current Rules Provision	Proposed Rules Provision
<p>municipality or local government district, or of a community or incorporated community as defined in <i>The Northern Affairs Act</i>;</p> <ol style="list-style-type: none"> <li>2. an activity or program of a school, college, university or other educational institution, including, but not limited to an educational, administrative, fundraising, public-relations or alumni-relations activity or program;</li> <li>3. an activity or program of a church or other religious, administrative, fund-raising or public-relations activity or program;</li> <li>4. an activity or program of a non-profit organization, including, but not limited to, an educational, administrative, fund-raising or public relations activity or program;</li> </ol>	
	<b>PART IV: STEWARD REPORTING</b>
<p>Subject to Section 6 (1), 6 (3), and 6 (4), every Steward shall file a 2017 Steward's Report with MMSM no later than May 31, 2017.</p>	<p><b>Reporting Deadline for Stewards and Voluntary Stewards</b></p> <p>20. Every Steward shall:</p> <ol style="list-style-type: none"> <li>(a) File an Annual Steward Report and pay Stewardship Fees in accordance with the timetable in Appendix B; and</li> <li>(b) if applicable, immediately File all overdue Steward Reports for prior Obligation Years; and</li> <li>(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.</li> </ol>
<p><b>4) Steward's Report</b></p> <ol style="list-style-type: none"> <li>(1) Every Steward should have Registered with MMSM no later than March 31, 2010 or within 30 days of the date in which they become Resident in Manitoba (whichever is earlier);</li> </ol>	<p><b>Reporting Deadline for New Stewards</b></p> <p>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 <a href="#">[insert link]</a>. Stewards who fail to Register with MMSM</p> <ol style="list-style-type: none"> <li>(a) are prohibited from Supplying Designated Printed Paper and Packaging to Consumers; and</li> <li>(b) will be subject to the compliance and enforcement actions in section 4.</li> </ol>

Current Rules Provision	Proposed Rules Provision
<p><b>No explicit reference, but implicit in certain sections:</b></p> <p>6) Steward Exemptions from Reporting (sections 1 – 4)</p> <p>(1) Stewards are exempt from filing a Steward’s Report and paying the fees otherwise due, if during the Data Year, the Steward, its Affiliates, and Franchisees had combined Gross Revenues from the sale of all products and services in Manitoba which was less than \$750,000;</p> <p>(2) Stewards shall file a Steward’s Report but shall be exempt from payment of fees otherwise due if, during the Data Year, the Steward, its Affiliates and Franchisees Supplied DPPP in an aggregate quantity of kilograms that generated annualized fees of less than \$250.00.</p> <p>(3) No Steward, Affiliate or Franchisee shall file a separate Steward’s Report which is reporting less than \$250.00 in fees, if it is affiliated with any Steward, Affiliate or Franchisee whose combined fees are greater than or equal to \$250. In that case, the Steward, Affiliate or Franchisee whose fees equal or exceed \$250.00 shall file one Steward's Report which includes both itself and the Steward, Affiliate or Franchisee whose fees are less than \$250.00</p> <p>(4) For greater clarity, where a Steward files a Steward’s Report, respecting Affiliates or Franchisees, such Affiliates and Franchisees shall not file a Steward’s Report.</p> <p>(5) The above exemptions, [6 (1) through 6(4)] do not apply to Voluntary Stewards.</p> <p>MMSM Rules - App B - Stewards must complete all appropriate sections of the WeRecycle Portal including but not limited to Methodology, brands and affiliates</p>	<p><b>Reporting for Affiliates and/or Franchisees</b></p> <p>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.</p>

Current Rules Provision	Proposed Rules Provision
<p>and attest to the accuracy of their reports upon submission.</p>	
<p>P 16. Required information to be included in the Steward's Report to be submitted on the WeRecycle portal:</p> <ol style="list-style-type: none"> <li>1. Description of Methodology and data used to prepare this Steward's Report, including a detailed explanation of the steps taken to calculate the amounts reported and the use of any calculator tools;</li> <li>2. Description of Methodology and data used to prepare this Steward's Report for any HHW containers, including a detailed explanation of the steps taken to calculate the amounts reported and the use of any calculator tools</li> <li>3. Description of Excluded Waste deductions from Report, including kilograms or percentage used by material type;</li> <li>4. If the Steward supplied Data for LDPE/HDPE film carry-out bags or Biodegradable film carry-out bags then they must provide Gross number of units Supplied;</li> <li>5. List of brands, trademarks or publication titles covered in this Steward's Report;</li> <li>6. List of Affiliates and /or Franchisees included in this Steward's Report; and Declaration of accuracy of contents of this Steward's Report</li> </ol>	<p><b>Contents of Annual Steward Report</b></p> <p>23. Each Steward shall provide MMSM with all of the information requested on the WeRecycle Portal, including but not limited to:</p> <ol style="list-style-type: none"> <li>(a) company name, mailing address, phone number, and sector;</li> <li>(b) Obligation Year and Data Year for the Annual Steward's Report;</li> <li>(c) contact information, including email addresses and phone numbers for the Steward's Primary Contact, billing contact, secondary contacts and environmental lead;</li> <li>(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.</li> <li>(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;</li> <li>(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;</li> <li>(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;</li> </ol>

Current Rules Provision	Proposed Rules Provision
	<ul style="list-style-type: none"> <li>(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;</li> <li>(i) a list of all Affiliates and/or Franchisees included in the Annual Steward Report;</li> <li>(j) the Primary Contact’s declaration that the Annual Steward Report is accurate.</li> <li>(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</li> <li>(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.</li> </ul>
N/A	<p><b>Deemed Obligated Materials are not Eligible for Deductions</b></p> <p>24. All Printed Paper and Packaging Supplied to Consumers through the following sales and distribution channels:</p> <ul style="list-style-type: none"> <li>(a) grocery retailers;</li> <li>(b) general merchandise retailers;</li> <li>(c) drug and pharmacy retailers;</li> <li>(d) convenience and gas station retailers;</li> <li>(e) club, wholesale, cash-and-carry;</li> <li>(f) product sales via the Internet;</li> <li>(g) on-premise factory stores for public or employees;</li> <li>(h) direct home sales; and</li> <li>(i) unsolicited Papers delivered directly to households,</li> </ul> <p>is deemed to be obligated Designated Blue Box Waste, and is not eligible for any Permitted Deduction, regardless of whether the Designated Printed Paper and Packaging is disposed of in the Residential Waste System:</p>
N/A	<p><b>Permitted Deduction: Restaurant’s On-Premise Waste Management</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) is returned by a Consumer to the Brand Owner;</li> </ul>

Current Rules Provision	Proposed Rules Provision
	<p>(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.</p>
N/A	<p><b>Permitted Deduction: Restaurant's On-Premise Waste Management</b>            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.</p>
N/A	<p><b>Restaurants that Supply Consumers Using Take-Out, Drive-Through or Home Delivery</b>            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.</p>
N/A	<p><b>Identification of Permitted Deductions in the Steward's Annual Report</b>            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 Deduction Request form <a href="#">[insert link]</a> 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</p>

Current Rules Provision	Proposed Rules Provision
	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.
<p>4) (4) If a Steward's Report has not been filed within 90 days of the date specified in Subsection 4(2) of these Rules, MMSM may file a Steward's Report on behalf of such Steward (a "Proxy" report), based on the Steward's previous year's Steward's Report. The steward is still required to submit actual quantities to MMSM.</p> <p>MMSM Rules – 5) (6) Failure to file a Steward's Report within the time frames mentioned above is a violation of these Rules and may be subject to enforcement under the Waste Reduction and Prevention Act.</p>	<p><b>Steward Fails to File its Annual Steward Report</b>            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 <a href="#">[insert link]</a> and may take the action specified in section 4</p>
<p>4) (5) A Steward's Report that contains incorrect data, may, upon notice from MMSM to the Steward, be deemed by MMSM not to have been Filed.</p>	<p><b>Steward's Duty to Ensure that the Annual Steward Report is Accurate</b>            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 <a href="#">[insert link]</a>;            (b) escalated to MMSM's compliance team and/or the Ministry of the Environment</p>
<p><b>Not explicitly referenced although errors are flagged within the Rules:</b>            5) (5) In the event that the amounts reported in a Steward's Report are inaccurate: any deficiency in payment of fees resulting from such inaccuracies shall be immediately due and payable upon the filing of the correcting Steward's Report; and if not paid within 30 days of the invoice date, will be subject to the same payment interest charges outlined in (2) above.</p>	<p><b>Errors in the Annual Report</b>            31. Any Steward who discovers an error in its Annual Steward Report shall notify MMSM of the error within 30 days.</p>



Current Rules Provision	Proposed Rules Provision
<p>4) (3) In accordance with the MMSM adjustment policy posted on the MMSM website, Stewards may make a request to amend a Steward's Report to correct information in the Steward's Report.</p>	<p><b>Steward Adjustment Requests to Annual Steward Report and Adjustment Policy</b>            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 <a href="#">[insert link]</a>; and            (b) Administrative Fee, Penalty and Interest Policy <a href="#">[insert link]</a>.</p>
<p>N/A</p>	<p><b>Corrections to the Steward Annual Report Initiated by MMSM</b>            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>2</sup> Administrative Fees, Penalties and Interest will be applied in accordance with the Administrative Fees Penalties and Interest Policy <a href="#">[insert link]</a>.</p>
<p><b>3) Fees Payable</b></p> <p>(1) Stewards are obligated to pay fees for all the periods for which they are obligated. This means from the date they begin to supply DPPP to the date they no longer supply DPPP.</p>	<p><b>Stewards are Obligated for All Data Years in which they Supplied Printed Paper and Packaging</b>            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.</p>
	<p><b>PART V: STEWARD EXEMPTIONS FROM REGISTERING, REPORTING OR PAYING FEES</b></p>

<sup>2</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).

Current Rules Provision	Proposed Rules Provision
<p><b>6) Steward Exemptions from Reporting</b></p> <p>(1) Stewards are exempt from filing a Steward’s Report and paying the fees otherwise due, if during the Data Year, the Steward, its Affiliates, and Franchisees had combined Gross Revenues from the sale of all products and services in Manitoba which was less than \$750,000;</p> <p>(2) Stewards shall file a Steward’s Report but shall be exempt from payment of fees otherwise due if, during the Data Year, the Steward, its Affiliates and Franchisees Supplied DPPP in an aggregate quantity of kilograms that generated annualized fees of less than \$250.00.</p> <p>(3) No Steward, Affiliate or Franchisee shall file a separate Steward’s Report which is reporting less than \$250.00 in fees, if it is affiliated with any Steward, Affiliate or Franchisee whose combined fees are greater than or equal to \$250. In that case, the Steward, Affiliate or Franchisee whose fees equal or exceed \$250.00 shall file one Steward’s Report which includes both itself and the Steward, Affiliate or Franchisee whose fees are less than \$250.00</p> <p>(4) For greater clarity, where a Steward files a Steward’s Report, respecting Affiliates or Franchisees, such Affiliates and Franchisees shall not file a Steward’s Report.</p> <p>(5) The above exemptions, [6 (1) through 6(4)] do not apply to Voluntary Stewards.</p> <p>(6) Companies that carry on a Prescribed Activity are not exempt by Subsection 6(1).</p> <p>(7) Notwithstanding these exemptions, MMSM may, acting reasonably, require a Steward to file a Steward’s Report by sending a written request</p>	<p><b>Steward Reporting Exemption: Gross Revenues Less Than \$750,000</b></p> <p>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:</p> <p>(a) products; and/or</p> <p>(b) services</p> <p>Supplied in Manitoba was less than \$750,000.</p>

Current Rules Provision	Proposed Rules Provision
to the Steward.	
See above or Appendix C for full reference	<p><b>MMSM May Require an Exempted Person to File an Annual Steward Report</b></p> <p>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.</p>
See above or Appendix C for full reference	<p><b>Steward Fee Exemption: Aggregate Quantity of Kilograms Generated Stewardship Fees of less than \$250.00 for the Data Year</b></p> <p>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.</p>
(6) The above exemptions, [6 (1) through 6(4)] do not apply to Voluntary Stewards.	<p><b>No exemptions for Voluntary Stewards</b></p> <p>38. Voluntary Stewards are not eligible for the reporting and payment exemptions in sections 36, 37, 38, and 39.</p>
	<p><b>PART VI: STEWARD FEES</b></p>
3) (1) Stewards are obligated to pay fees for all the periods for which they are obligated. This means from the date they begin to supply DPPP to the date they no longer supply DPPP.	<p><b>Steward's Obligation</b></p> <p>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.</p>
1) (1) Stewards are obligated to pay fees for all the periods for which they are obligated. This means from the date they begin to supply DPPP to the date	<p><b>Calculation of Stewardship Fees</b></p> <p>40. A Steward's Stewardship Fee shall be calculated in accordance with:</p>

Current Rules Provision	Proposed Rules Provision
<p>they no longer supply DPPP.</p> <p>(2) Stewards shall pay fees to MMSM in accordance with the dates set out Appendix C of these Rules. The amount of fees payable shall be calculated in accordance with the table of fees set out in Appendix D.</p> <p>(3) For the steward that becomes obligated and registers on or after January 1, 2017, the steward's 2017 financial obligation will be calculated using an estimate of quantities supplied during 2017.</p>	<p>(a) the approved fee methodology in Appendix C; and</p> <p>(b) the annual material fee rates set out in Appendix D, as approved by the MMSM Board and also posted on the MMSM website.</p>
<p>2) (7) Stewards that begin supplying DPPP on or after January 1, 2017, will be required to use estimates to inform their 2016 and 2017 reports which in turn are used to calculate their 2017 and subsequent 2018 invoices.</p>	<p><b>Calculation of Stewardship Fees for New Stewards</b></p> <p>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 Policy <a href="#">[insert link]</a>.</p>
<p>N/A</p>	<p><b>Stewards who Fail to Register with MMSM</b></p> <p>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 <a href="#">[insert link]</a>.</p>
<p>8) <b>Enforcement</b> Failure to pay fees or file a Steward's Report in accordance with the requirements stated in these Rules is a violation of these Rules and may be subject to enforcement under the Act.</p>	<p><b>PART VII: COMPLIANCE</b></p> <p>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 <a href="#">[insert link]</a>.</p>
<p>7) - Record Provision and Retention –</p>	<p><b>Steward and Voluntary Steward Records Retention</b></p>

Current Rules Provision	Proposed Rules Provision
<p><b>7) Record Provision and Retention</b></p> <p>(1) Upon written request by MMSM, a Steward shall promptly provide documentation, including calculation Methodology, packaging data, audit reports, list of brands reported and list of brands excluded from report, and allocation percentages used in the preparation of the Steward's Report</p> <p>(2) A Steward shall retain records to substantiate and verify the amount set out in its Steward's Report for a period of not less than five years from the date of the initial submission by the Steward to MMSM of the Steward's Report to which they relate. Upon written request by MMSM, a Steward shall grant access to MMSM to examine, audit and inspect its books and records respecting a Steward's Report at any time up to five years after the date of receipt of such Steward's Report by MMSM.</p> <p>(3) Upon written request by MMSM, any Steward that is exempt under section 6 of these Rules shall promptly submit documentation which proves its Gross Revenues.</p> <p>(4) Failure to provide access and/or data within thirty (30) days, as set out in Subsections 7(1), 7(2), or 7(3), may result in MMSM, upon notice from MMSM to the Steward, deeming the Steward's Report to not have been Filed.</p>	<p>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:</p> <p>(a) substantiated by the Steward's available documentation; or</p> <p>(b) based on an estimate calculated with reference to a prior or subsequent year's Steward Report; or</p> <p>(c) as determined by a third-party auditor, whichever is greater. Stewards are subject to the Administrative Fees, Penalties and Interest Policy <a href="#">[insert link]</a></p>
<p><b>See above or Appendix C for full reference</b></p>	<p><b>Duty to Comply with MMSM's Requests for Documentation</b></p> <p>45. Upon written request, Stewards and Voluntary Stewards shall within 30 days provide documentation in support of their Annual Steward Report, including, but not limited to:</p> <p>(a) data used by Stewards or Voluntary Stewards in the preparation of any Annual Steward Report;</p> <p>(b) relevant information regarding Affiliates and/or Franchisees included in the Annual Steward Report;</p> <p>(c) calculation Methodology;</p> <p>(d) Gross Weight and deductions from Gross Weight;</p>

Current Rules Provision	Proposed Rules Provision
	<ul style="list-style-type: none"> <li>(e) Gross Revenue;</li> <li>(f) product and packaging data such as packaging samples or packaging data provided by vendors;</li> <li>(g) audit reports; and</li> <li>(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.</li> </ul>
<p><b>See above or Appendix C for full reference</b></p>	<p><b>Duty to Provide Access to MMSM</b> 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.</p>
<p><b>See above or Appendix C for full reference</b></p>	<p><b>Duty to Cooperate with a Verification Audit</b> 47. At the request of MMSM, a Steward must:</p> <ul style="list-style-type: none"> <li>(a) provide confirmation from a senior officer confirming that the data contained in the Annual Steward Report is accurate and complete; and</li> <li>(b) cooperate in an audit or review of the Steward's records, including: <ul style="list-style-type: none"> <li>(i) providing MMSM with all requested documentation, data, records and reports within 30 days of such request; and</li> <li>(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.</li> </ul> </li> </ul>
	<p><b>PART VII: DISPUTE RESOLUTION</b></p>
<p><b>9. Dispute Resolution</b> (See Appendix D of this document for full reference) Revised Dispute Resolution Policy is pending MB ED review</p>	<p><b>Dispute Resolution Policy and Procedure</b> 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 <a href="#">[attach link]</a>. A Steward must be In Good Standing to invoke Dispute Resolution.</p>
<p><b>No change to list of Materials</b></p>	<p><b>DPPP Reporting Categories for 2018 and CBCRA Materials</b></p>
<p><b>Simplified Table inserted – see Appendix E of this document for comparison</b></p>	<p><b>Reporting and Payment Schedule for 2018</b></p>

Current Rules Provision	Proposed Rules Provision
N/A	The Methodology for Calculating MMSM Fees
Current Annualized Table of Fee Rates: January 1 to December 31, 2017	Table of Fee Rates: January 1 to December 31, 2018

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