

French Republic

Congress

Deliberation No. 392 of January 14, 2019 on the promotion of energy savings in commercials directly or indirectly related to energy

The Congress of New Caledonia,

Deliberating in accordance with the provisions of the amended Organic Law No. 99-209 of March 19, 1999 relating to New Caledonia

In view of the amended law No. 99-210 of 19 March 1999 relating to New Caledonia,

In view of the deliberation No. 135 of 23 June 2016 approving the scheme for the energy transition of New Caledonia ,

Given the opinion of the Social and Environmental Economic Council dated 12 September 2018

In view of Decree No. 2018-1967/GNC of August 14, 2018 proposing deliberation

In view of the government report No. 84/GNC of August 14, 2018

Heard the report 18 of 9 January 2019 from the Committee on Public Infrastructure and Planning, Sustainable Development, Energy, Transport and Communication and the Committee on General Legislation and Regulation,

Has adopted the provisions whose content follows

Chapter I: Object, scope and definitions

Article 1: The provisions of this deliberation apply to the sale of electricity, heat or cold, solid, liquid or gas fuels and fuels, as well as services related to the use of these energies. These provisions also apply to the sale of all types of energy-using products or appliances.

Article 2: Any form of communication, recommendation or commercial action intended, effect or likely to directly or indirectly promote energy, its use or an energy-using product is considered as advertising.

Article 3: Any form of advertising as defined in Article 2 is considered "advertising messages" for the purposes of this deliberation.

Chapter II: Provisions for framing advertising messages

Article 4: Any advertising carried out by or for a company that enters the scope defined in Article I, concerning energy or aimed at its consumption, contains a message promoting the rational use of energy and encouraging energy savings, the conditions and terms of distribution are set by decree of the Government.

Article 5: The obligation mentioned in Article 3 relates to advertising in and out of the places of sale. They relate to messages broadcast by poster, electronic media, in the press, by television or broadcasting services, in cinema, on advertising correspondence and on advertising prints distributed to the public and professionals.

Chapter III: Compliance, Control and Sanctions

Article 6: New Caledonia energy and economic officers, designated and duly sworn, are qualified to carry out their duties in the performance of their duties in the performance of their duties to the purpose of the provisions of this deliberation and the orders made for its application.

Article 7: After the person is able to make written submissions on the grievances against him or her, the Government of New Caledonia may require the government to comply with this obligation within a time frame that it determines. He can make this notice public. Where the person concerned does not comply with this notice within the specified time frame, the Government of New Caledonia may impose a monetary penalty against him, the amount of which is proportionate to the seriousness of the breach, the situation of the person concerned, the extent of the damage and

the benefits derived from it, without being able to exceed 178,500 F CFP by broadcast on any medium. This amount is increased to 357,000 F CFP per broadcast in the event of a further breach of the same obligation.

Article 8: Sanctions imposed under Article 7 are motivated, notified to the person concerned and published in the Official Journal of New Caledonia.

They may be appealed by full court,

Chapter IV: Final and Transitional Arrangements

Article 9: The provisions of this deliberation come into effect on the first day of the fourth month following its publication in the Official Journal of New Caledonia.

Article 10: The Government of New Caledonia has the power to make, as necessary, the regulatory orders necessary for the implementation of this deliberation,

Article II: This deliberation will be forwarded to the High Commissioner of the Republic and the Government and published in the Official Journal of New Caledonia.

Deliberate in public session, January 14, 2019.

The President of the New Caledonia Congress

Gaël YANNO