

Congress

COUNTRY Law on the energy efficiency of equipment, the import ban on equipment containing ozone-depleting substances and the import ban on incandescent or halogen bulbs

The Congress of New Caledonia,

The High Commissioner of the Republic promulgates the law of the country whose content follows,

Chapter 1: Definitions and scope

Article 1: For the purposes of this country law, the terms are thus defined.

"bulb": a source built to produce light radiation, usually visible,

"filament bulb": a bulb in which light is produced by a filiform conductor heated to incandescent by the passage of an electric current, the bulb may or may not contain gases influencing the incandescent process

"incandescent bulb": a filament bulb in which the filament operates under vacuum of air or is surrounded by an inert gas

"halogen bulb": a filament bulb in which the filament is tungsten and is surrounded by a gas containing halogens or halogen compounds

"distributor" the retailer or any other person who buys from the supplier or reseller and offers equipment for resale, promotion, exhibition, rental or rental for the user,

"technical documentation" documentation accompanying equipment and containing a general description as well as all technical information of it. It is intended to facilitate the commissioning, installation and maintenance of the equipment;

"energy efficiency" . the relationship between the service rendered and the electrical energy consumed by equipment. It relates to the intrinsic performance of this equipment and the conditions of use

"country-of-origin energy label": the value scale representative of the energy efficiency of an equipment referring to an energy efficiency standard in place in a given geographic area or country; the country of manufacture of the equipment may be different from the geographical area or country covered by the test standard of this equipment,

"Caledonian energy label" . The complementary display device to the energy label of the country of origin, representative of the energy efficiency of the equipment according to the conditions of use specific to New Caledonia, resulting from the transposition of the available data on the energy label of the country of origin

"equipment" appliances or electronics for domestic use or sold for non-domestic purposes that may be used for the production of cold, cooling or heat, ventilation at cooking, lighting, washing, drying, televised reception, aspiration and subject to an obligation to display energy efficiency covered by this country law

"supplier": anyone who imports equipment into New Caledonia and makes it available to distributors and resellers,

"Transposition tool": the computational model that allows performance data for equipment that meets an energy efficiency standard to be transposed into a given geographic area or country. It defines and edits the Caledonian energy label

"point of sale": the place or space for sale, exhibition, promotion, rental or rental sales, including the website and e-commerce, in which equipment is offered for sale, rental or rental, promoted or exhibited,

"reseller" - the retailer or any other person who buys from the supplier and offers equipment for resale, promotion, exhibition, rental or rental for the distributor,

"user" the person who buys or is likely to buy equipment from a distributor.

Article 2: A list of energy efficiency standards and equipment affected by energy efficiency standards and the requirement for an energy label from the country of origin is set by decree of the New Caledonia government. These orders specify the equipment that must have a Caledonian energy label.

A list of equipment affected by the equipment import ban, which requires the use of ozone-depleting substances, and a list of prohibited ozone-depleting substances are determined by the New Caledonia government."

Article 3: Used equipment is not subject to the provisions of this law of the country when the sale is made from one padiculier to another padiculier.

Used equipment is not subject to the provisions of this country law when the sale is carried out by a company whose purpose is the recycling of such equipment already present on the local market.

The following equipment, essentially powered by a non-electrical energy source, is not subject to the provisions of Chapter 2 of the present law of the country, which are unique parts not equivalent to other equipment models refrigeration equipment that does not have the primary function of storing food by refrigeration air conditioners whose condenser and/or evaporator part do not use air as a heat-carrying fluid.

Incandescent or halogen bulbs, listed by government decree for which there is no alternative technology using low-energy leds or compact fluorescent light bulbs, are not subject to the provisions of Chapter 4 of this Law.

Chapter 2: Energy Efficiency, Information and Labelling Standard Requirement

Section 1: Supplier Bonds

Article 4: Any equipment imported into New Caledonia must meet an energy efficiency standard referred to in Article 2, which is proven during customs clearance procedures. A New Caledonia government order sets out the nature of the information and the types of documents that can be used by suppliers to prove that the equipment meets an energy efficiency standard.

Article 5: The supplier provides free of charge to the distributor or dealer, for each equipment.

the energy label of the equipment concerned corresponding to the energy efficiency standard mentioned in Article 2 the technical documentation of the equipment in question written in French, the contents of which are fixed by decree of the Government of New Caledonia the Caledonian energy label of the equipment concerned established according to the terms and conditions set out in Article 6.

Article 6 The supplier establishes and provides the corresponding Caledonian energy label free of charge to the distributor or reseller for any equipment not labelled according to the energy efficiency standards in the European Union.

The Caledonian energy label is established, a minimum, from the mark, reference, standard energy consumption, as well as the size or capacity of the equipment concerned.

A decree of the Government of New Caledonia defines for all equipment the shape and content of the Caledonian energy label,

Section 2: Dealer Bonds

Article 7: The dealer provides free of charge to the distributor, for each equipment.

the energy label of the equipment concerned corresponding to the energy efficiency standard mentioned in Article 2 the technical documentation of the equipment in question written in French, the contents of which are fixed by decree of the Government of New Caledonia the Caledonian energy label of the equipment concerned established according to the terms and conditions set out in Article 6.

Section 3: Distributor Bonds

Article 8: Each equipment proposed by the distributor at the point of sale must meet an energy efficiency standard mentioned in Article 2 and have the corresponding energy label to have, if necessary, the Caledonian energy label established under the terms of Article 6 , have the technical documentation covered in Article 5.

Otherwise, the distributor is not allowed to offer the equipment at the point of sale.

Article 9: The energy label corresponding to an energy efficiency standard mentioned in Article 2 and, if applicable, the Caledonian energy label mentioned in Article 6, are displayed on the equipment offered by the distributor at the point of sale, without altering its content and form, in a visible and legible manner. Otherwise, the distributor is not allowed to offer the equipment at the point of sale.

The terms and conditions for displaying the energy label of the country of origin and the Caledonian energy label are specified by decree of the Government of New Caledonia.

Chapter 3: Prohibition of equipment that uses, operates or contains ozone-depleting substances

Article 10: The importation into New Caledonia of any equipment containing an ozone-depleting substance is prohibited. A decree of the government of New Caledonia lists prohibited substances.

Chapter 4: Prohibition of imports of incandescent or halogen bulbs

Article 11: As of January ¹, 2020, the importation into New Caledonia of any incandescent or halogen bulb is prohibited, within the limits of The provisions of Article 3.

Chapter 5: Information, controls and sanctions

Article 12: For the importation of the provisions of this country law, customs officers implement the powers to find, identify and enforce violations under the provisions of the customs code applicable in New Caledonia.

Article 13: At the request of New Caledonia's energy services, the supplier, reseller or distributor is required to submit an information report on the equipment offered at its points of sale. This report focuses on the technical characteristics and energy label of the country of origin of the equipment.

Article 14: New Caledonia energy and economic officers, designated and duly sworn for their duties, are qualified to carry out their duties in the performance of their duties to the search and finding of violations of the provisions of this country's Act and orders made for its application.

Article 15: Without prejudice to the provisions of the customs code applicable in New Caledonia concerning the importation of prohibited goods, is punishable by a fine provided for by the 5th class tickets, in accordance with Article 131-13 of the Penal Code, the import, hold for sale, supply or put on a point of sale, free or expensive, equipment that does not meet the conditions set out in this law of the country.

Article 16: A fine for 2nd class contraventions, in accordance with Article 131-13 of the Penal Code, is punishable by not using the French language under the conditions of Article 5.

Article 17: A six-month prison sentence and a fine of 890,000 F CFP is punishable by anyone to obstruct, in any way, the performance of the duties of which the officers referred to in section 14 are responsible under this law of the land.

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Chapter 6: Final Provisions

Article 18: This country law comes into force on the first day of the third month following its publication in the Official Journal of New Caledonia. Article 2 equipment imported into New Caledonia prior to its entry into force is not covered by the provisions of this country's law.

Article 19: The Government of New Caledonia has the power to make, as necessary, the orders necessary for the application of this law of the country.

This law will be enforced as the law of the land.

Made in Nouméa, 2 6 DEC By the High Commissioner of the Republic,

The President

Law ^{No.} 2018-25

Preparatory work

- Notice of the Economic, Social and Environmental Council of May 18, 2018

- Council of State Opinion ^{No.} 394.796 of May 29, 2018
- Government Report ^{No.} 40/GNC of June 26, 2018

Report ^{No.} 173 of August 23, 2018 of the Committee on Public Infrastructure, Planning, Sustainable Development, Energy, Transport and Communication

- Special report by Mrs Nina Julié tabled on 25 November 2018
- Adoption dated December 3, 2018

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