



Environmental Health & Safety Audit Protocol New Caledonia 2021

release notes

STP ComplianceEHS (STP) announces the release of its newly developed environmental, health and safety (EHS) audit protocol for New Caledonia. This audit protocol covers relevant national EHS requirements. The regulatory date for the current release is November 2021.

This EHS audit protocol is organized around twenty topics, with a separate section devoted to each, as follows:

- General Environmental
- Air Emissions
- Water and Wastewater Management
- Solid and Hazardous Waste
- Environmental Product Stewardship
- Above and Below Ground Tank Management
- Community Noise
- PCBs
- Asbestos
- Occupational Health
- Equipment, Machine and Electrical Safety
- Material Handling and General In-Plant Safety
- Fire Safety
- Transport of Dangerous Goods
- Industrial Hygiene
- Chemical Management
- Construction Work Site Safety
- Incident Prevention and Response
- Marine Protection and Operations
- Flora and Fauna

highlights of the regulatory framework

The *Nouméa Agreement of May 1998* was enacted pursuant to Articles 76 and 77 of the French Constitution. Following the *Nouméa Agreement*, New Caledonia became a territorial collectivity of the French State (a 'sui generis collectivity'). The political organization of New Caledonia is established under the *Organic Law, (No. 99-209 dated 19 March 1999)* and the *Nouméa Agreement*, which provides New Caledonia with the powers to establish laws in areas such as labour law, insurance law, taxation, foreign investments, and natural resources.

release notes

please review

The French State is represented in New Caledonia by the High Commissioner (le Haut Commissaire de la République). The High Commissioner checks the legality of the acts taken or passed by local authorities of New Caledonia. The legislative body of New Caledonia is Congress. It is composed of members from the provincial assemblies called “Councilors of New Caledonia” (Conseillers de Nouvelle Calédonie). The Congress passes local laws in relation to matters for which it has delegated authority pursuant to Article 99 of the *Organic Law*. Laws passed by Congress come into force upon proclamation by the High Commissioner and publication in the *Gazette of New Caledonia (Le Journal Officiel de la Nouvelle Calédonie)*.

The *New Caledonia Labor Code* is produced by the Labor and Employment Department. The *New Caledonia Labor Code* was amended in 2021, and Book II, Title VI establishes the requirements for health and safety in the workplace. The *Labor Code* is supported by occupational health and safety texts, including Deliberations of Congress, Deliberations of the Standing Committee, and Orders.

North and South provinces of New Caledonia have each adopted an *Environmental Code*, with *Decision No. 2008-306 / APN of October 24, 2008* relating to the *Environmental Code of the North Province (JONC December 29, 2008, p. 8578)* and *Decision No. 25-2009 / APS of March 20, 2009* relating to the *Environmental Code of the Southern Province (JONC April 9, 2009, p. 2590)*. The *Environmental Codes* bring together all the legal texts relating to environmental law for each of the respective provinces. The two Codes present a common approach that observe the following framework and publications:

- Common provisions;
- The “Protection of the Natural Heritage” in the South Province;
- The “Protection and Enhancement of the Natural Heritage” in the North Province;
- Natural Resource Management; and
- Prevention of Pollution, Risks and Nuisances.



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