

Opinion no. 2025-A-06 of 6 November 2025
**on the draft deliberation concerning the regulation of judicial and legal
notices in New Caledonia**

**Only the French version is authentic and it prevails in the event of its
differing from the translated version**

Summary¹

Pursuant to Article Lp. 411-1 of the Commercial Code, the *Autorité de la concurrence de la Nouvelle-Calédonie* (hereinafter "the *Autorité*") was consulted by the President of the Government of New Caledonia on a request for an opinion regarding a draft deliberation amending the regulation applicable to the publication of judicial and legal notices in the territory.

The purpose of this draft deliberation is to adapt the existing regulatory framework governing the publication of judicial and legal notices, which has not been amended for the past 20 years.

However, the draft in question, which specifies neither the publication modalities for judicial and legal notices nor the new tariffs to be applied, refers to a future governmental decree that has not been communicated to the *Autorité*, despite a request having been made by the investigative service.

While the *Autorité* does not make any specific observations regarding the draft deliberation itself, it considers that the draft decree, as it was described, should simplify both the modalities for publishing judicial and legal notices and the rules governing the calculation of the applicable tariffs. Regarding tariff calculation, the draft decree should provide for a per-character pricing mechanism in order to harmonise tariffs across all authorised newspapers, in particular for both print and online publications. The new pricing framework should also be accompanied by flat-rate tariffs for certain types of notices. Furthermore, the draft decree sets out a significant but gradual adjustment of the new publication tariffs, to be phased in over a three-year period.

In this respect, the *Autorité* recommends, as is the case in mainland France and in French Polynesia, the introduction of an automatic and regular tariff adjustment mechanism, allowing tariff increases to be smoothed over time and avoiding sharp increases over a short period.

Finally, the *Autorité* considers that the proposed regulatory framework, by improving publication modalities and tariff calculation methods, could foster the development of a certain degree of competition based on service quality, provided that the specific obligations imposed on online press services do not create discrimination between them and print press services.

¹ This summary is strictly for information purposes. Only the numbered reasons of the opinion are authentic.

Accordingly, the *Autorité* issued the following two recommendations:

Recommendation No. 1: the *Autorité* recommends that the referring authorities attach all draft decrees to draft country laws and draft deliberations, in order to enable a full competitive assessment and analysis of the proposed framework.

Recommendation No. 2: the *Autorité* recommends the inclusion, in the future draft decree establishing the modalities and tariffs applicable to judicial and legal notices, of a mechanism providing for regular tariff revaluation.