

NEW CALEDONIA

**REGIONAL DIGITAL TRADE INTEGRATION INDEX (RDTII) 2.1
ECONOMY PROFILE 2026**

**ESCAP-ECA-ECLAC INITIATIVE ON DIGITAL
TRADE REGULATORY INTEGRATION**

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NEW CALEDONIA¹

Based on the RDTII 2025 scores², New Caledonia has 20% lower regulatory complexity for cross-border digital trade than the Asia-Pacific average and 1% lower than the Pacific average³. Its complexity is lower than the Asia-Pacific average in several areas, particularly regulations related to content access, intellectual property rights and foreign direct investment. However, the economy has relatively higher complexity compared to the Asia-Pacific average for standards and procedures, non-technical non-tariff measures (NTMs), and telecommunication regulations and competition.

Among 12 policy areas, the highest complexity for New Caledonia is in regulations related to telecommunication regulations and competition, non-technical NTMs, and standards and procedures. In contrast, the lowest complexity is in those related to content access, intellectual property rights, and foreign direct investment.

Table: New Caledonia's RDTII 2025 overall score and pillars' scores

New Caledonia	Index score (0: low complexity, 1: high complexity)	Differences from Asia-Pacific average complexity (%)	Differences from subregional average complexity (%)
Overall score	0.29	-20%	-1%
Pillar 1: Tariffs and trade defence	0.29 ⁴	-15%	-26%
Pillar 2: Public procurement	0.28	-23%	24%
Pillar 3: Foreign direct investment	0.17	-66%	-61%
Pillar 4: Intellectual property rights	0.07	-73%	-74%
Pillar 5: Telecommunication regulations and competition	0.56	18%	16%
Pillar 6: Cross-border data policies	0.31	0%	95%
Pillar 7: Domestic data protection and privacy	0.38	-10%	-15%
Pillar 8: Internet intermediary liability	0.25	-54%	-48%
Pillar 9: Content access	0.00	-100%	-100%
Pillar 10: Non-technical NTMs	0.52	46%	184%
Pillar 11: Standards and procedures	0.45	102%	129%
Pillar 12: Online sales and transactions	0.25	7%	37%

Source: ESCAP calculation, data as of January 2026, available at: <https://www.unescap.org/projects/rcdtra>

¹ This brief was prepared by a team of researchers under the supervision of Witada Anukoonwattaka at the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP). The initial draft was prepared by Alexandre Germouty, with subsequent review and finalization by Natnicha Sutthivana, Ziyu Qiao, Juntong Hou, Jian Cao, and Florette Peter. The document incorporates comments and feedback received during the national data verification process with government focal points and national experts, where applicable.

² To find out the details of the RDTII methodology and framework structure, please refer to: Economic and Social Commission for Asia and the Pacific (ESCAP), 2025. The Regional Digital Trade Integration Index (RDTII) Guide 2.1, available at <https://www.unescap.org/kp/2025/regional-digital-trade-integration-index-rdtii-21-guide>

³ For further comparative analysis, please see: Economic and Social Commission for Asia and the Pacific (ESCAP), 2025. Digital Trade Regulatory Review for Asia and the Pacific, 2025, available at <https://www.unescap.org/kp/2025/digital-trade-regulatory-review-asia-pacific-2025>; ESCAP, 2026. Digital Trade Regulatory Review for the Pacific, 2025, available at <https://www.unescap.org/kp/2026/digital-trade-regulatory-review-pacific-2025>; Other subregional and national reviews are accessible via: <https://www.unescap.org/projects/rcdtra/databases-kp>.

⁴ Note: The scores for Pillar 1 (Tariffs and Trade Defense) are incomplete due to the unavailability of data from the World Bank's WITS database regarding sub-pillars 1.1 (Effective Tariff Rates) and 1.2 (No Duty-Free Tariff Lines). New Caledonia sets its own tariffs independently of France, maintaining a blanket 10% tariff on all non-French imports and generally applying higher tariffs and regulatory barriers than mainland France, as noted by New Zealand's official trade website (<https://www.mfat.govt.nz/en/trade/mfat-market-reports/new-caledonia-market-update-october-2022>). The lack of precise data prevents accurate scoring, and these limitations should be considered when interpreting the results presented in the spider graph and table.

NEW POLICY MEASURES AND PROPOSALS

New Caledonia has recently taken steps to advance its digital trade agenda by introducing and reinforcing policies across several key areas, including public procurement, customs procedures, and cybersecurity.

In April 2024, Deliberation No.398 on exceptional and temporary measures concerning public procurement (2024) was introduced, maintaining a regime that allows foreign companies to participate in contracts for ICT goods and digital services.

In January 2023, the Customs Code of New Caledonia was adopted, which imposes no customs duties on electronic transmissions or digital goods, thereby streamlining imports and supporting cross-border e-commerce.

In May 2024, Law No. 2024-449 on Securing and Regulating the Digital Space was enacted, addressing online fraud prevention, age verification on digital platforms, and cloud computing services, while also enhancing the enforcement powers of regulatory authorities such as the National Commission on Informatics and Liberties (CNIL) and the Regulatory Authority for Audiovisual and Digital Communication (Arcom).⁵

These measures reflect New Caledonia's commitment to enhancing digital security, ensuring effective regulatory oversight, and fostering an secure environment for digital trade.

EXAMPLES OF POLICIES SUPPORTING NEW CALEDONIA'S DIGITAL TRADE INTEGRATION

Content Access

New Caledonia imposes no government-mandated blocking or filtering of commercial web content.⁶ The economy places no special licensing, pre-approval, or content-based restrictions on online advertising beyond general consumer-protection rules against misleading ads⁷. Online content providers may operate in New Caledonia without obtaining sector-specific licences.

Intellectual Property Rights

Under Law No. 92-597 on the Intellectual Property Code of 1992, New Caledonia applies a transparent, non-discriminatory patent-filing process by granting foreign applicants the same rights as domestic applicants.⁸ Robust civil and administrative procedures, remedies, and provisional measures are readily available for patent and copyright enforcement in the economy. New Caledonia, as a French

⁵ Law No. 2024-449 of May 2024 on Securing and Regulating the Digital Space, since May 2024.

⁶ While Article 1 of Law No. 86-1067 concerning Freedom of Communication (1986) guarantees freedom of electronic communication, content limitations are narrowly applied only where public order, national defense, or public service requirements are at risk, as reinforced by Article 6-1 of Law No. 2004-575 on Confidence in the Digital Economy (2004), which restricts online dissemination related to terrorism or pedopornography.

⁷ According to Law No. 2018-6, Deliberation No. 79 of 2005, and Article L320-12 of the Internal Security Code, online advertising in sensitive sectors—alcohol, tobacco, and gambling—is subject to specific restrictions, including limitations for media accessible to minors.

⁸ Intellectual Property Code (Code de la propriété intellectuelle), Article L.611-1, since January 1993, last amended in September 2023.

overseas territory, falls under France's international treaty obligations, including the WIPO Patent Cooperation Treaty, WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty, facilitating streamlined international standards. Based on fair dealing provisions, Article L.122-5 of the same law, provides clear copyright exceptions for private, educational, and critical purposes. Additionally, New Caledonia offers effective statutory protection for trade secrets under Article LP.463-4 of the Commercial Code⁹ and Law No. 2018-670 of 2018 on the protection of trade secrets, with disclosure of trade secrets refused or limited to non-confidential summaries to prevent unauthorized revelation, ensuring both protection and enforcement in the digital trade context.

Foreign Direct Investment

New Caledonia imposes no foreign equity caps in sectors relevant to digital trade and full ownership is allowed. Foreign investors are not required to form joint ventures to operate in digital trade-related sectors in New Caledonia. According to Article L.151-3 of the French Monetary and Financial Code (2000), there are no nationality or residency requirements for directors or senior managers of firms engaged in digital trade activities. Foreign service suppliers may provide cross-border online services without establishing a local commercial presence within the economy, as indicated in the French Monetary and Financial Code applicable to New Caledonia. However, New Caledonia maintains a screening regime for foreign investments in sensitive sectors—including dual-use technologies, cybersecurity, cryptography, telecommunications, AI, and other critical digital infrastructure. This mechanism is designed to safeguard national security, in line with the screening provisions of Decree No. 2019-1590.

EXAMPLES OF POLICY CHALLENGES TO NEW CALEDONIA' DIGITAL TRADE INTEGRATION

Telecommunication Regulations and Competition

New Caledonia mandates no passive-infrastructure sharing. The State retains a significant share in the Office of Posts and Telecommunications of New Caledonia (OPT-NC), giving it a policymaking influence that can distort competition.¹⁰ No functional or accounting separation is required, amplifying the risk of cross-subsidization and discriminatory access pricing. New Caledonia has not scheduled the WTO Telecom Reference Paper. There is no independent telecom authority in the economy. On a more positive note, Article L.151-3 of the French Monetary and Financial Code provides that full foreign ownership (up to 100 per cent) is permitted in the telecommunications sector of French Polynesia. Furthermore, French Polynesia confirms that operators with significant market power (SMP) are not subject to any discriminatory or restrictive licensing requirements. Under the Postal and Telecommunications Code of New Caledonia¹¹, telecommunications networks providers are subject to authorization by the Government of New Caledonia – based on compliance with technical standards, land planning and utilisation of allocated frequencies – which does not create significant entry barriers.

⁹ Commercial Code (Code de Commerce), Article Lp. 463-4, New Caledonia. Since September 1807, last amended September 2024.

¹⁰ Decree No. 2002-717 of May 2, 2002, concerning the transfer of the Office of Posts and Telecommunications to New Caledonia (Décret n°2002-717 du 2 mai 2002 portant transfert de l'office des postes et télécommunications à la Nouvelle-Calédonie), since May 2002.

¹¹ Postal and Telecommunications Code of New Caledonia (Code des Postes et Télécommunications de la Nouvelle-Calédonie), Article 231-1, since December 2006, last amended January 2015.

Non-technical NTMs

New Caledonia maintains a ban on the import, sale, and use of signal jammers under Article L33-3-1 of the Postal and Telecommunications Code (2006). Furthermore, imports of devices operating on specific frequencies, such as 315 MHz and 915 MHz face restrictions by the National Frequency Allocation Table (2021) to prevent interference with local applications.¹² Imports of radio devices also face administrative barriers, as many devices must secure dual authorizations: one from the National Frequency Agency (ANFR) and another from the Office of Posts and Telecommunications of New Caledonia, and equipment requiring dedicated frequency allocations, such as specific Ultra High Frequency (UHF) and Very High Frequency (VHF) terminals, must undergo a separate application process with Office des Postes et Télécommunications – New Caledonia (OPT-NC), further raising compliance costs and delaying market entry.¹³ However, New Caledonia has no local-content rules mandating that ICT goods or online services contain domestically sourced components, technology, or labour. There are no exports bans or licensing requirements under the Consumption, Commercial, and Customs Codes. Firms may freely export without additional authorization.

Standards and Procedures

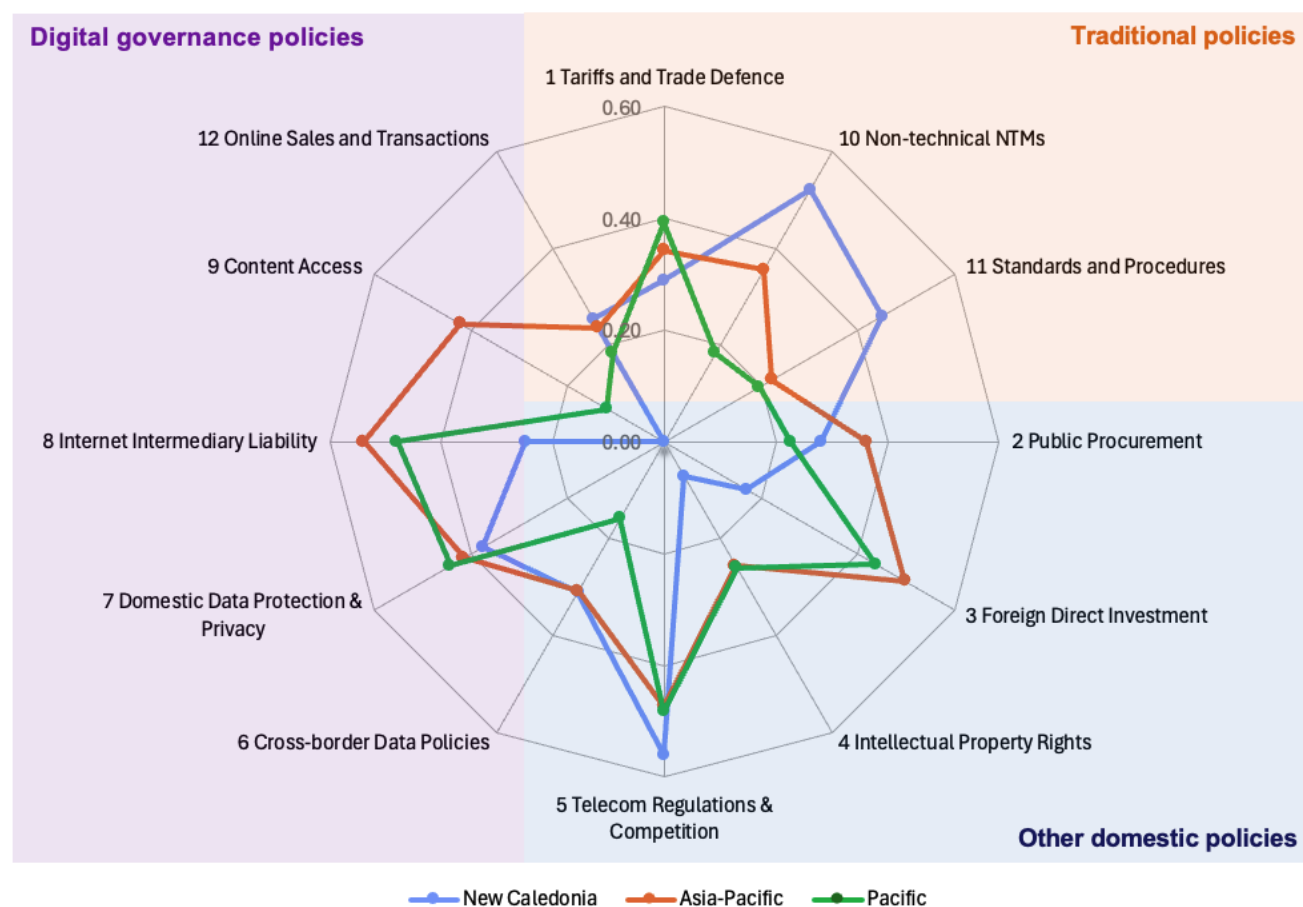
Based on Article 17 of Directive 2014/53/EU on Radio Equipment, radio equipment imported into New Caledonia must undergo conformity assessments primarily conducted by EU-notified bodies, creating uncertainty for non-EU suppliers. Foreign manufacturers of radio equipment may not rely on self-declaration of conformity; they must first obtain third-party evaluation in accordance with harmonized EU standards. Imports of marine equipment under Directive 2014/90/EU must also comply with EU-specific technical standards, including extensive technical documentation, sample testing, and complaint management, increasing the complexity and cost of compliance for non-EU entities.¹⁴ Activities involving radio equipment and marine equipment require adherence to additional specifications as defined by Article 8 of Directive 2014/53/EU, which is not widely recognized outside the EU. Nevertheless, New Caledonia's overarching standards framework aligns with EU directives, promoting harmonization with international standards and providing some predictability for suppliers complying with these regulations. However, no deviations from international encryption standards have been observed.

¹² National Frequency Allocation Table (Tableau national de répartition des bandes de fréquences), New Caledonia, 2021. Restrictions on devices operating on 315 MHz, 915 MHz, and other frequencies. Since May 2021, last amended March 2024.

¹³ List of Equipment Exempt from Administrative Import Authorization (AIA) as of July 23, 2021. Outlines dual authorization requirement for most radio devices and separate OPT-NC approval for VHF/UHF terminals. Since August 2021.

¹⁴ Directive 2014/90/EU, Articles 4, 8(3), 9, 15; Annex II. Marine equipment must meet EU technical standards via notified bodies.

Figure: Comparison between the New Caledonia's RDTII scores, Asia-Pacific average scores and subregional average scores



Source: ESCAP calculation, data as of January 2026, available at: <https://www.unescap.org/projects/rcdtra>

NEW CALEDONIA'S PARTICIPATION IN TRADE NEGOTIATIONS INVOLVING DIGITAL TRADE

New Caledonia's engagement in digital trade-related negotiations remains limited. As of September 2025, New Caledonia has signed one preferential trade agreement within the subregion, the Vanuatu-New Caledonia Free Trade Agreement.¹⁵ This agreement focus mainly on trade in goods and services. Additionally, New Caledonia has not concluded a stand-alone Digital Economy Agreement (DEA).

New Caledonia is currently a full member of the Pacific Islands Forum (PIF), which promotes regional cooperation across members in areas such as economic development, trade, and technology transfer. As a full member, New Caledonia has engaged in PIF initiatives related to digital trade. Beyond the PIF framework, New Caledonia participates in a bilateral cooperation framework with Vanuatu, signed on March 3, 2017, which promotes regional partnerships across sectors including economy, trade, and digital infrastructure.¹⁶ For example, the 2022 Declaration of Intent between New Caledonia and

¹⁵ Vanuatu-New Caledonia Free Trade Agreement, signed in February 2019, not entered into force yet. See <https://www.rnz.co.nz/international/pacific-news/407033/new-caledonia-and-vanuatu-meet-to-finalise-free-trade-agreement>.

¹⁶ "Regional Cooperation Agreement (RCA) between France, New Caledonia, and Vanuatu," Available at: <https://vu.ambafrance.org/REGIONAL-COOPERATION-AGREEMENT-RCA-BETWEEN-FRANCE-NEW-CALEDONIA-AND-VANUATU>

Vanuatu aims to install a second undersea digital cable connecting Port-Vila and Lifou, enhancing regional network security and digital accessibility¹⁷.

Globally, New Caledonia is not a member of the World Intellectual Property Organization (WIPO) and is therefore not a contracting party to WIPO treaties, including the Patent Cooperation Treaty, Copyright Treaty, and Performances and Phonograms Treaty. However, as an overseas territory of France, New Caledonia falls under France's international treaty obligations regarding intellectual property rights. New Caledonia is not a member or observer of the World Trade Organization (WTO). Accordingly, New Caledonia is not bound by WTO agreements or initiatives, such as the Information Technology Agreement (ITA), the Joint Statement Initiative (JSI) on Electronic Commerce.

Regarding other agreements relevant to digital trade, New Caledonia has not acceded to the United Nations Convention on the Use of Electronic Communications in International Contracts, nor has it formally informed the UNCITRAL Secretariat of its adoption of the UNCITRAL Model Laws on Electronic Commerce, Electronic Signatures, or Electronic Transferable Records. Furthermore, New Caledonia has not acceded to the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific (CPTA), which promotes the electronic exchange of trade-related data and documents among participating economies.

¹⁷ "Vanuatu and New Caledonia Leaders sign Memorandum of Understanding for New international cable," SMART News, August 1, 2025. Available at: <https://www.smartcables.org/smartnews/vanuatu-and-new-caledonia-leaders-sign-memorandum-of-understanding-for-new-international-cable>



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