

CodeMark Scheme Technical Rules Resource

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**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

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Main changes in this version

- › Rule 3.3.1 of the CodeMark scheme rules, which came into effect on 8 May 2023, requires product certification bodies to use the Ministry of Business, Innovation & Employment’s (MBIE) current version of the product certificate template. They must not change the structure and design of the product certification template. If they have questions about the use of this template, they need to direct those straight to MBIE at CodeMark@mbie.govt.nz
- › Rules 4.4 and 4.5, which come into effect on 11 December 2023, require CodeMark certificate holders to make any guidance and manuals stated in the “conditions and limitations of use” section in the CodeMark certificate easily accessible to the public on their website or by request.
- › Schedule 2 outlines the new mark of conformity. Scheme participants have been able to use it since 8 May 2023. However, it will become a requirement on 1 September 2024.
- › Minor grammar and editorial changes have been made.

Features of this document

- › The legislative framework for the CodeMark scheme (the Building Act 2004, the Building (Product Certification) Regulations, and the CodeMark scheme rules) can be found in the [Appendix](#).
- › Hyperlinks are provided to cross-references within this document and to external websites – these appear with a [blue underline](#).

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1. CodeMark scheme rules resource

The purpose of this resource is to support an understanding of the CodeMark scheme rules for product certification bodies, certificate holders, technical experts and assessors. This resource seeks to:

- › act as a guide to the scheme rules and the relevant provisions in the Building (Product Certification) Regulations 2022 and the Building Act 2004
- › provide information related to key changes in the scheme rules
- › provide detailed examples of how to interpret and implement the new scheme rules.

Introduction

The CodeMark scheme for certifying building products and building methods has been operating in Aotearoa New Zealand since 2008, initially as a joint scheme with Australia (originally managed by the Department of Building and Housing, and the Australian Building Codes Board) and then as a separate scheme from 2016. CodeMark operates under the legislative framework provided by the *Building Act 2004*, *Building (Product Certification) Regulations 2022* (the Regulations) and specific CodeMark scheme rules.

The purpose of the CodeMark scheme is to provide a **technically robust** and **reliable** mechanism for evaluating a building product or building method's intended use(s) for compliance with the New Zealand Building Code, and for the **production of accurate and detailed CodeMark product certificates** that can be confidently relied upon by the building and construction sector.

Context for change

The *Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021* (the Building Amendment Act) introduced a new certification scheme for modular component manufacturers (BuiltReady) and also makes changes to strengthen the existing CodeMark product certification scheme.

As part of the changes introduced in the Building Amendment Act, the CodeMark scheme rules were made secondary legislation set by MBIE's Chief Executive.

The scheme rules were significantly revised to align with the changes to the Building Act 2004 and the supporting regulations.

The new scheme rules are intended to:

- › increase confidence in the scheme and improve usability
- › make the rules clearer and more consistent, and
- › include some new provisions based on sector feedback, changing practices, and MBIE's experience with how the scheme has operated to date.

The *Building (Product Certification) Regulations 2022* provide the regulatory detail for these changes. The regulations and scheme rules both commenced on 7 September 2022.

Additional changes

The introduction of BuiltReady along with the revision of the CodeMark scheme provided an opportunity to review and propose a new brand visual identity for CodeMark to bring it in line with BuiltReady and MultiProof. The Ministry of Business, Innovation and Employment (MBIE) consulted on the introduction of the new CodeMark brand and transition timeline in November 2022.

As part of the implementation work for the new CodeMark brand, MBIE carefully considered whether other scheme rules were affected by the change or needed to be reviewed. As a result of sector feedback from the November 2022 consultation, MBIE held an additional public consultation for additional scheme rules.

This consultation focused on two proposed rules to foster public trust and create further consistency and clarity across the scheme.

On 8 May 2023, two new CodeMark scheme rules commenced:

1. A requirement for PCBs to use MBIE's certificate template with the new mark of conformity.
2. A requirement for certificate holders to make supporting information from CodeMark certificates easily accessible for the public.

Schedule 2 has also been added to the scheme rules that sets out the requirements for the new CodeMark brand.

What the scheme rules cover

The scheme rules are secondary legislation made by the Chief Executive of MBIE. Both the Building Act and Regulations requires scheme parties to comply with the scheme rules. Failure to do so could result in suspension or revocation of accreditation or certification.

The scheme rules apply to the scheme parties, who are:

- › the accreditation body (Joint Accreditation System of Australia and New Zealand (JASANZ))
- › accredited product certification bodies
- › registered product certification bodies
- › proprietors of any building product or building method that has a current product certificate (whether registered or not).

The scheme rules supplement regulations made under the Building Act with respect to the accreditation body's accreditation of product certification bodies; the product certification bodies' certification of building products or building methods; and product certification bodies' annual reviews of product certificates. As the scheme rules are only one part of the legislative framework for the CodeMark scheme, they should be read in conjunction with the Building Act and supporting regulations.

What the law says:

Section 272E of the Building Act specifies:

- › the scheme parties
- › what the scheme rules can cover, which includes rules about how the scheme parties are to perform their functions under the Building Act and rules about how building products and building methods are to be evaluated.

Regulations are made under section 402 of the Building Act.

Other key documents for the operation of this scheme include the international standard ISO/ IEC 17065:2013 (*Conformity assessment – requirements for bodies certifying products, processes and services*), which is included by reference in the scheme rules. This standard is followed closely by the accreditation body and product certification bodies and includes structural, resource, process and management system requirements.

The other international standard referenced is ISO/IEC 17025:2018 (*General requirements for the competence of testing and calibration laboratories*). The scheme rules require a product certification body to accept type test reports from testing facilities accredited to ISO/IEC 17025 unless it satisfied it is not reasonable to do so.

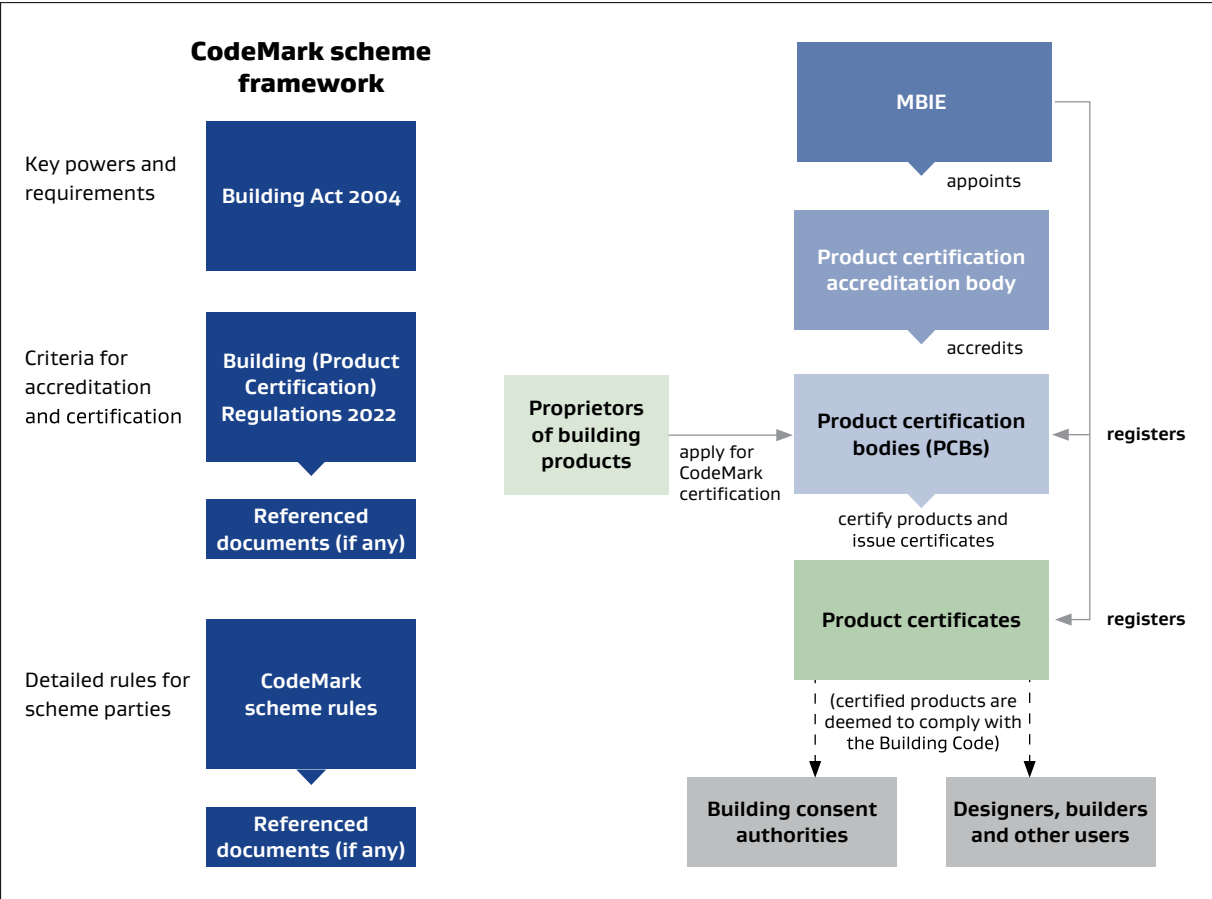
Further documents supporting the CodeMark scheme's day-to-day operation include the accreditation body's accreditation manual and arrangements with product certification bodies, as well as the product certification bodies' own commercial arrangements with proprietors.

Scheme framework

The framework in which CodeMark operates in Aotearoa New Zealand is supported by the Building Act, the Regulations and the CodeMark scheme rules.

These three key pieces of legislation outline the roles and responsibilities for all scheme parties while providing detailed requirements to ensure the building product or building method being certified meet the requirements of the New Zealand Building Code.

Figure 1: The system for managing product certification



Roles and responsibilities

Ministry of Business, Innovation and Employment (MBIE):

- › oversees the performance and effectiveness of the CodeMark scheme
- › appoints the accreditation body
- › registers product certification bodies
- › registers CodeMark certificates
- › can suspend and revoke registration, accreditation and certification if required
- › monitors the performance of the scheme.

Product Certification Accreditation Body (JASANZ):

- › responsible for assessing, accrediting, and monitoring product certification bodies
- › can suspend and revoke accreditation if required.

Product Certification Bodies (PCBs):

- › evaluate, monitor, and audit building products or building methods against the performance requirements of the New Zealand Building Code
- › issue CodeMark certificates
- › can suspend or revoke a CodeMark certification if required.

Certificate holders:

A CodeMark certificate holder has ongoing responsibilities to ensure the certified product continues to be manufactured to the same standard and quality as those against which it was evaluated, certified and registered.

Certificate holders also have a responsibility to communicate or act in timely manner in the following instances:

- › anything related to certification changes, including any changes to contact details; changes to the certified building product or building method or to how it's made, installed, or maintained; and changes to the quality plan
- › activation of a product recall
- › suspension or revocation of product certificates – stop using product certificates, certificates number and CodeMark branding, notify customers etc.

Building consent authorities (BCAs):

CodeMark certified products are deemed to comply with the New Zealand Building Code. Building consent authorities (BCAs) must accept a CodeMark certificate as evidence of compliance with the Building Code, provided the certificate is current and valid and the building product or building method is used in accordance with the scope and limitations as defined on the certificate.

A CodeMark product's deemed compliance with the New Zealand Building Code means that it does not have to be re-evaluated for each building consent application whenever it is specified for use in building work.

CodeMark has legal status equivalent to that of an acceptable solution or verification method. BCAs must accept a CodeMark certified building product or building method as complying with the New Zealand Building Code when it is used in building work, as long as the building product or building method is specified for use in accordance with the certificate.

Additional resources

- › [Building Act 2004](#)
- › [Building \(Product Certification\) Regulations 2022](#)
- › [CodeMark website.](#)



2. Technical rules resource

Part 1: Preliminary provisions

This Part of the scheme rules includes the full wording of definitions from the Building Act and the Regulations (which are applicable to the scheme rules) in 1.2 Interpretation, as some of these definitions are new or have changed from the previous scheme rules.

Note that the scheme rules document also contains an informative Appendix (Appendix 1), which highlights the relevant requirements in the Building Act and the Regulations.

Part 2: Accreditation body requirements

This Part of the scheme rules contains requirements for the accreditation body, which is responsible for accrediting PCBs and checking that they continue to meet the accreditation requirements. PCBs must also be registered by MBIE before they can certify building products or building methods under the CodeMark scheme.

Rules for the accreditation body include some general requirements, as well as a new rule with respect to surveillance audits of product certification bodies. This includes a clause that the accreditation body must review a PCB's certification process including any product certificate that the product certification body has become the responsible PCB for since the previous surveillance audit.

The accreditation body is also required to notify:

- › a PCB in writing of its intention and reasons to suspend or revoke the PCB's accreditation
- › a PCB of its decision and reasons to suspend, lift the suspension of, or revoke the PCB's accreditation
- › a PCB of any impacts of their decisions on registration, and
- › notify MBIE within seven days of granting, suspending, lifting the suspension of, or revoking a PCB's accreditation.

What the law says:

Section 264 of the Building Act specifies that before suspending or revoking a PCB's accreditation, the accreditation body must

- › notify the PCB in writing of the intention to do so and the reasons for it; and
- › give the PCB a reasonable opportunity to be heard.

If accreditation is suspended or revoked, the accreditation body must —

- › notify the PCB in writing of its decision and the reasons for it
- › explain the effect of section 267C(1), 267D(1), or 267E(1)(a) – that registration is automatically suspended or revoked if accreditation is suspended or revoked under section 264.

Section 267 specifies that a product certification accreditation body must notify the Chief Executive when it grants, suspends, lifts the suspension of, or revokes an accreditation of a product certification body.

The notification must be given within 7 days after the grant, suspension, lifting of suspension, or revocation to which it relates.

Part 3: Product certification body requirements

This Part of the scheme rules contains detailed requirements for PCBs, which are responsible for evaluating building products or building methods for CodeMark certification. If a PCB decides to certify a building product or building method it will issue a product certificate. This certificate, once registered with MBIE, provides evidence to building consent authorities and other users that the building product or building method complies with the New Zealand Building Code (when used in accordance with any limitations on the certificate).

PCBs must review product certificates at least once a year to confirm that the building product or building method still complies with the certification criteria.

General requirements

Section 3.1 *General requirements* contains rules for PCBs carrying out their functions as accredited and registered PCBs. It includes rules that support the Regulations, eg rules regarding the technical competencies of staff and contractors, and rules about what written records must be kept.

Note that before PCBs can operate in the CodeMark scheme they must be accredited by the accreditation body and registered by the Chief Executive of MBIE.

Accreditation:

The Building Act and Regulations contain detailed requirements for the accreditation body's granting, suspension, lifting of suspension, or revocation of a PCB's accreditation. These requirements include allowing the PCB at least three months following any changes to the Regulations or the scheme rules to meet all the relevant criteria.

A PCB must have policies, procedures and systems in place that address conformity assessment, including with respect to organisational and management systems; certification of building products and building methods (including identifying the evaluation requirements, assessing the applicant's quality plan, carrying out risk assessments, and producing an evaluation plan); and acceptance of test reports and technical opinions.

A PCB must also have implemented policies, procedures and systems designed to ensure that the only product certification activities carried out by the PCB are within their scope of accreditation; that they have competent employees and contractors to perform product certification functions; and they have appropriate policies, procedures and systems for keeping written records and receiving and handling disputes and complaints. All policies, procedures and systems must be consistent with the relevant scheme rules.

What the law says:

Sections 263-265 of the Building Act provides requirements for accreditation including criteria for accreditation, and how to make an application for accreditation.

Regulations 5-6 outline the required policies, procedures and systems a PCB must have in place for accreditation including:

- > policies, procedures, and systems that address conformity assessment including:
- > organisational and management systems
- > certification of building products and building methods
- > acceptance of test reports and technical opinions

Regulation 7 includes requirements for policies, procedures and systems with respect to:

- > a PCB's scope of accreditation
- > employees and contractors
- > written records.

Registration

As part of the new registration functions for CodeMark, the Chief Executive of MBIE will assess applications for registration of PCBs. The registration function will provide building consent authorities and other scheme users with confidence that PCBs are suitable for the scheme, and MBIE is maintaining appropriate oversight of those issuing product certificates.

To gain registration, a PCB will need to show evidence of accreditation in the scheme and pass a fit and proper person test which would assess the history and non-technical suitability of a PCB and its key people, including history of civil proceedings and offences; professional and financial management history; compliance in similar schemes; conflicts of interest; and other relevant factors.

For more detail on the registration process, visit [CodeMark | Building Performance](#)

Product certificates must also be registered. The registration process is conducted by MBIE to ensure that all certificates that are registered are consistent and have clear information to ensure users can clearly understand what the product is used for and how it should be used. Only CodeMark certificates that have been registered by MBIE and that are current on MBIE's public register are valid certificates. There are fees associated with registering PCBs and product certificates. These are outlined in Schedule 3 of the Regulations.

What the law says:

Sections 267A-267E of the Building Act contains requirements for the Chief Executive's grant, suspension, lifting of suspension, or revocation of a PCB's registration. These sections also cover the Chief Executive's ability to audit a registered PCB to ascertain whether it continues to meet the registration criteria and whether there are grounds to suspend or revoke its registration.

Section 208 provides for a PCB to challenge the Chief Executive's decision (by appeal to the District Court) to refuse to register it as a PCB or to suspend, or refuse to lift the suspension of, its registration as a PCB.

Section 272G makes it an offence for a person who is not a registered PCB to carry out any of the functions of a registered PCB.

Regulations 8-11 contain criteria and standards for registration, including that an accredited PCB must be a fit and proper person to be registered as a product certification body (by reference to specified attributes). These regulations also set out the minimum information that the PCB must provide when applying for registration.

Sections 272A-272D detail the Chief Executive's registration of product certificates and related actions including suspension and/or revocation of registration on the suspension or revocation of a product certificate or non-compliance with the scheme rules.

Disputes and complaints

A PCB must have processes for receiving and handling disputes and complaints in an appropriate manner (see Regulation 7), while Schedule 2(f)(vi) of the Regulations require PCBs to include an internet link to the publicly available information about their complaints process on any product certificate that they issue. There are no additional requirements in the scheme rules.

Note that ISO/IEC 17065 also contains requirements for PCBs with respect to complaints and appeals (eg in clauses 4.6.(d) and 7.13).

Notifications

A responsible PCB must ensure that it notifies the relevant parties when it intends to issue a product certificate or intends to suspend or revoke a product certificate.

What the law says:

Section 271 of the Building Act requires the responsible PCB for a product certificate to notify the proprietor in writing of its intention to suspend or revoke a certificate, and its reasons; and give the proprietor a reasonable opportunity to be heard.

Section 272 requires the responsible PCB to notify the Chief Executive within seven days if they issue, suspend, lift the suspension of, or revoke a product certificate

Section 272 requires a registered PCB to notify the Chief Executive when it does any of the following:

- › issues a product certificate
- › suspends, or lifts the suspension of, a product certificate
- › revokes a product certificate
- › becomes the responsible PCB for a product certificate as a result of carrying out a review under section 270(3).

Section 270(3) allows a registered PCB to review a product certificate for which it is not the responsible PCB at the request of the proprietor of the building product or building method to which it relates.

ISO/IEC 17065 also contains notification requirements, including that the PCB must:

- › inform its clients of any information it intends to make public (eg to respond to complaints) and notify them of any confidential information it is required to release by law as authorised by contractual arrangements (ISO/IEC 17065 clause 4.5)
- › inform its clients of any new or revised requirements that have been introduced for the CodeMark scheme (ISO/IEC 17065 clause 7.10.1) and acknowledge receipt of any complaints and appeals; give formal notice of the outcome and end of the complaint process to the complainant whenever possible; and give formal notice of the outcome and end of the appeal process to the appellant (ISO/IEC 17065 clause 7.13).

Rule 3.1.1(b) A PCB must review all certification decisions within three months of amendments to the New Zealand Building Code or any other document relevant to the CodeMark scheme rules taking effect and ensure that appropriate action is taken at the end of the three-month period to ensure compliance with the amendments. Note that any changes to legislation are signalled in advance of any amendments taking effect, so a PCB should have adequate time to undertake a review and ascertain what actions are appropriate within three months of commencement.

Note that rule 2.1(c) obliges the accreditation body to review its accreditation decisions in the event of any amendments to the Building Code or any other document relevant to the CodeMark scheme including the Building Act, the Regulations, the scheme rules, any documents included by reference in the Regulations or the scheme rules, or any relevant *New Zealand Gazette* notice, and take appropriate action to ensure that compliance with the Building Code and the CodeMark scheme requirements is maintained.

Information on upcoming legislative changes and news can be found here: [Building Performance Updates](#) (you can sign up to get weekly email updates).

Rule 3.1.4 – technical competencies

Rule 3.1.4 is a new rule clarifying expectations for the CodeMark scheme, recognising that the competence of the product certification body's staff and contractors is a key factor in establishing whether a product certification body can successfully perform its functions, and that product evaluation is often a collaborative process and the competence of the PCB's staff and contractors is a key factor in establishing whether a PCB can successfully perform its functions. It replaces requirements in the previous rules to engage a person referred to as an Unrestricted Building Certifier or 'UBC' (an Australian qualification without a local equivalent, although the previous rules include a brief outline of the skills and experience required for a 'UBC' operating in the Aotearoa New Zealand scheme). An independent review of the evaluation will still be required as specified in the relevant Standard, ISO/IEC 17065 (refer to Figure 2 in the scheme rules).

Rule 3.1.3 and 3.1.4 support Regulation 7(1)(b), which requires the PCB's policies, procedures, and systems to be designed to ensure:

- (i) that the person has enough employees and contractors to perform the person's product certification functions; and
- (ii) that every individual who is allocated or carries out product certification work on the person's behalf is competent to do that work.

While a single person may possess more than one of the competencies outlined in the above rules, the requirements are likely to be covered by several staff and contractors. PCBs can engage specialist contractors on an ad hoc basis to satisfy the technical competency requirements for a particular product certification (eg fire engineers).



Evaluation

Section 3.2 *Evaluation* contains detailed rules for PCBs' evaluation of a building product or building method with a view to certifying it under the CodeMark scheme. Figure 2 in the scheme rules summarises the process and highlights applicable requirements in ISO/IEC 17065 for independent review.

What the law says:

Section 269 of the Building Act requires a PCB (on application) to issue a product certificate for a building product or building method if satisfied that it complies with the criteria and standards for certification prescribed by regulations and any scheme rules supplementing the regulations.

Regulation 12 outlines criteria and standards for certification including requirements for the building product or building method to comply with the New Zealand Building Code provisions relevant to its intended use; and for the building product or building method to be under the effective control of the person who is, or has applied to be, the certificate holder.

Regulation 13 specifies that an applicant for a product certificate must submit with the application a quality plan prepared in respect of the building product or building method sought to be certified.

Regulation 14 specifies that an applicant must supply a sample or samples with the application if requested by the PCB.

Pre evaluation step

When considering an application for certification (rule 3.2.2), a PCB will need to examine the building product or building method, its uses and installation in order to determine a suitable evaluation plan and scope of certification. Note that ISO/IEC 17065 4.2 details a PCB's requirement to manage impartiality and independence. This does not preclude the possibility of exchange of information (eg request for further information or clarifying requirements) between the PCB and its clients.

Scope of certification

One of the PCB's first steps is to find out all intended uses of the building product or building method the applicant wants their CodeMark certification to cover (refer to the Building Act section 7 for the definition of 'intended use'). The PCB must evaluate the building product or building method with respect to all Building Code provisions applicable to its intended uses. Therefore, if this is a concern for the applicant (eg because it's proving too difficult or expensive to provide evidence of compliance with some of these provisions), limiting the scope of certification may be an option.

EXAMPLE 1

An applicant wants CodeMark certification for a roofing membrane. The applicant asks the PCB if the certification can also cover the use of this membrane on decking as well as roofs. The PCB notes that additional compliance requirements would include Building Code clause D1.3.3 (d) ('Access routes shall... have adequate slip-resistant walking surfaces under all conditions of normal use'), as decking may form part of an access route. In this case the applicant has evidence of compliance with this clause and is happy to proceed.

EXAMPLE 2

An applicant wants CodeMark certification for an internal surface lining, Building Code clause C3 – Fire affecting areas beyond the fire source, C3.4 (a) contains performance criteria for internal surface linings when used in different areas of buildings (eg as wall or ceiling materials in exit ways, or external surfaces of ducts for HVAC systems). The applicant does not have sufficient evidence of compliance with these criteria, so decides to limit the use of their product to areas of buildings without these Building Code obligations.

Critical components

Regarding rule 3.2.2(c), 'critical component' is defined in the scheme rules as: 'Any component of a product where a PCB has low confidence in the component's contribution to meet the product's Building Code compliance; ie the PCB is likely to require a greater level of assurance to ensure controls are in place to reduce the likelihood of the component compromising the product's compliance with the Building Code'.

It is important to note that all components that make up a building product or building method should be considered by a PCB when considering an application for certification, and that all components will need some level of assurance to ensure they are fit for purpose. The intent of identifying critical components however, is to give PCBs the ability to appropriately apply greater oversight to components that they have a low confidence in the manufacturers' ability to reliably manufacture those components to the quality required.

PCBs should give consideration to all information available to them when deciding whether a component is considered a critical component, including but not limited to:

- > those factors listed in Table 1, Step 2 of the scheme rules
- > controls detailed in the quality plan
- > experience/reputation of the manufacturer/certificate holder
- > complexity of the component
- > the reliability of the manufacturing system to consistently deliver the components functionality/performance etc.

PCBs will need to record the reasons for decisions regarding the assessment of each component and what those reasons are.

EXAMPLE 3

The applicant's product is a structural insulated panel (SIP). The PCB does an assessment of all components that make up the SIP which includes an exterior sheathing board, an interior sheathing board, a foam core and a proprietary adhesive. The PCB decides that other than the proprietary adhesive used in the product the rest of the components will be considered critical components. This is because the PCB feels that the foam core did not have sufficient manufacturing and quality controls in place to reliably manufacture a consistent component, which represented a significant contributor to the products' overall compliance with the Building Code. The PCB also considered that the manufacturer of the exterior and interior sheathing boards had good quality control and sample testing in place but did not have the sufficient length of demonstrated experience for the PCB to be able to confidently verify that the manufacturing system would consistently deliver the component's functionality/performance.

Conducting a risk assessment

The revised risk assessment rules now include definitions of likelihood and consequence to apply when determining the risk scores, and separate risk assessments for manufacturing and installation to allow for a more nuanced and thorough conformity assessment profile.

The risk framework allows for the PCB to carry out risk assessment over three main phases. It is unlikely, although not impossible, that the consequence of failure once considered and given a score will alter throughout the evaluation process. The likelihood score however may alter dependant on the information that is provided or gathered during the pre-evaluation and evaluation process.

1. Pre-evaluation and initial risk analysis of the building product or building method and its components, utilising the information provided to the PCB by the applicant in the pre-evaluation phase.

During this phase it is recognised that the information provided to the PCB at this point may not be a true reflection of the actual risk of the product or its components dependant on the applicant's understanding of what is required for certification. Once more information is gathered through subsequent phases, the PCB should reassess the residual risk for the product and its components.

2. Evaluation of the building product including carrying out the initial site manufacturing audits of the product and its critical components.

Within this phase it is recognised that PCB will be gathering further information about the product and evaluating it against its scoped requirements. The PCB should also be assessing the information gathered for the purpose of verifying the initial risk assessment. For instance, whether the initial site manufacturing audit of an identified critical component determined that there were significantly greater (or lesser) quality controls in place than was evident through the information provided at the initial risk analysis phase. The likelihood score should therefore be reconsidered through the preparation of the evaluation report on evidence of the information gathered.

3. Preparation of the evaluation report and confirmation of the risk analysis.

This phase documents and gives a recommendation for the certification decision outcome based on all the information gathered and assessed during the pre-evaluation and evaluation phase. Confirmation of the residual risk assessment for the building product or building method and its components should be recorded with its reasons for those decisions, including the on-going audit requirements. **Tables 2 & 3** in the scheme rules provide a framework for calculating risk scores:

Table 2: Requirements for manufacturing site audits (building products) based on risk severity

RISK ASSESSMENT MATRIX		CONSEQUENCE		
		3	2	1
LIKELIHOOD	3	9: Initial and annual audits at manufacturers of building product and critical components (refer to rule 3.2.5)	6: Initial and two-yearly audits at manufacturers of building product and critical components (refer to rule 3.2.5)	3: Initial and three-yearly audits at manufacturer of building product
	2	6: Initial and two-yearly audits at manufacturers of building product and critical components (refer to rule 3.2.5)	4: Initial and two-yearly audits at manufacturers of building product and critical components (refer to rule 3.2.5)	2: Initial and three-yearly audits at manufacturer of building product
	1	3: Initial and three-yearly audits at manufacturer of building product	2: Initial and three-yearly audits at manufacturer of building product	1: Initial and three-yearly audits at manufacturer of building product

Key:

- Risk score of 9: Very low level of confidence in manufacturer
- Risk scores of 4-6: Low level of confidence in manufacturer
- Risk scores 1-3: Normal level of confidence in manufacturer

Table 3: Requirements for installation inspections (building products and building methods) based on risk severity

RISK ASSESSMENT MATRIX		CONSEQUENCE		
		3	2	1
LIKELIHOOD	3	9: Initial and annual inspections (refer to rule 3.2.5)	6: Initial and three-yearly inspections (refer to rule 3.2.5)	3: No minimum requirements
	2	6: Initial and three-yearly inspections (refer to rule 3.2.5)	4: Initial and three-yearly inspections (refer to rule 3.2.5)	2: No minimum requirements
	1	3: No minimum requirements	2: No minimum requirements	1: No minimum requirements

Key:

- Risk score of 9: Very low level of confidence in manufacturer
- Risk scores of 4-6: Low level of confidence in manufacturer
- Risk scores 1-3: Normal level of confidence in manufacturer

GUIDANCE

While there are no risk-related requirements for post-manufacture surveillance, this may still be required or considered appropriate in some circumstances (refer to rule 3.4.3).

The following examples illustrate how risk assessments may be carried out and Tables 2 and 3 applied to determine the minimum requirements for site audits and inspections. Please note that these examples are for illustrative purposes only.

EXAMPLE 5

Applicant A's moisture barrier for flat roofs (liquid applied membrane)

Consequence score – the PCB considers that if the certified barrier function for this product is diminished or lost, the roof may leak causing the building structure to weaken and also causing interior dampness. This would affect the health and safety of occupants. The PCB assigns a consequence score of 3 (major impact).

Likelihood score (manufacturing) – the manufacturing of Applicant A's product relies on manual compounding of ingredients, although samples are drawn daily to monitor the formulation. When Applicant A applies for certification, they have only been manufacturing their product for less than a year and there is limited evidence of their reputation for product quality. After identifying and considering these factors and a range of other factors relating to Applicant A's product, the PCB decides the likelihood of non-compliance is 'likely' and assigns a likelihood score of 2.

Likelihood score (installation) – Applicant A has a reasonably comprehensive installation manual but does not require trained installers (appliers), and this particular product is difficult to apply. In this case the PCB decides that the likelihood of an incident of product failure due to incorrect installation is reasonably strong. After considering this and other factors, the PCB assigns a likelihood score of 3 (very likely).

Using these scores, the minimum requirements for site audits and inspections are:

Manufacturing site audits: consequence score 3 x likelihood score (manufacturing) 2 = **risk score of 6.**

Minimum requirements from Table 2 are: initial and two-yearly audits at manufacturers of building product and critical components (also see rule 3.2.5).

Installation inspections: consequence score 3 x likelihood score (installation) 3 = **risk score of 9.**

Minimum requirements from Table 3 are: initial and annual installation inspections (also see rule 3.2.5).

EXAMPLE 6

Applicant B's mineral wool wall and ceiling insulation

Consequence score – the PCB considers that if the thermal insulation function of this product is diminished or lost, this may affect the health of occupants. The PCB assigns a consequence score of 2 (moderate impact).

Likelihood score (manufacturing) – there is a detailed quality plan for Applicant B's product that indicates a well-planned manufacturing process. This manufacturing process is fully automated, with a range of alarms if control limits are exceeded. The manufacturer of the product (who is not the applicant in this case) is well established and has a strong reputation in overseas markets for consistent product quality. Further, the product specifications for the New Zealand market are not significantly different from those used for existing markets. After identifying and considering these and a range of other factors, the PCB assigns a likelihood score of 1 (unlikely).

Likelihood score (installation) – Applicant B has established a network of credentialled installers in New Zealand, publicises their names and contact details, and ensures their ongoing training. After identifying and considering these and other factors, the PCB decides that the likelihood of an incident of product failure due to incorrect installation is unlikely and assigns a likelihood score of 1 (unlikely).

Using these scores, the minimum requirements for site audits and inspections are:

Manufacturing site audits: consequence score 2 x likelihood score (manufacturing) 1 = risk score 2 Minimum requirements from Table 2 are: initial and three-yearly audits at manufacturer of building product (also see rule 3.2.5).

Installation inspections: consequence score 2 x likelihood score (installation) 1 = risk score 2 According to Table 3, there are no minimum requirements for installation inspections for this product.

The risk assessment framework outlined in rule 3.2.5 contains the minimum requirements for PCBs to follow when conducting a risk assessment. A PCB may include more rigorous risk assessments steps or methodologies if they deem it necessary, as long the steps in rule 3.2.5 are followed.

Preparing the evaluation plan

Testing facilities

Rules 3.2.16 to 3.2.17 provide for product certification bodies to accept test reports from facilities that are not accredited for that test in some circumstances. They aim to give assurance that product certification bodies are making robust decisions on whether to accept a particular test report and that these decisions can be audited, while allowing for situations where a test is not within scope of any testing facility's accreditation or there are other valid reasons for not using a particular facility.

Testing methods

Rule 3.2.9 states that if a PCB determines that there is no applicable national or international Standard to test the building product or building method against, it may use a non-Standards based testing method for the evaluation provided that the testing method has been validated prior to use. *ISO/IEC 17007:2009 Conformity assessment — Guidance for drafting normative documents suitable for use for conformity assessment* includes useful information on how to develop normative documents for this purpose.

ISO/IEC 17025:2018 General requirements for the competence of testing and calibration laboratories also contains relevant notes on techniques for validating methods. Note that ISO/IEC 17025 clause 7.2.2 requires testing facilities to validate non-standard methods, laboratory-developed methods and standard methods that are used outside their intended scope or otherwise modified.

The notes below clause 7.2.2 say that the validation techniques can be one or more of:

- › calibration or evaluation of bias and precision using reference standards or reference materials
- › systematic assessment of the factors influencing the result
- › testing the method's robustness by varying controlled parameters
- › comparing the results achieved with other validated methods
- › interlaboratory comparisons, and
- › evaluating measurement uncertainty of the results based on an understanding of the theoretical principles of the method and practical experience of the performance of the sampling or test method.

Evaluating the building product or building method

A key component of the evaluation process is the testing of any tangible building product or building method. Regulation 14 specifies that an applicant for a product certificate in relation to a building product or building method that is a tangible product must, if requested by the PCB, submit with the application a sample or samples that are an accurate representation of the product.

Rule 3.2.15 states that a PCB must only accept a type test report from a testing facility accredited to NZS ISO/IEC 17025:2018 *General requirements for the competence of testing and calibration laboratories* for that test, unless the PCB is satisfied it is not reasonable to do so. A PCB's assessment of whether it is not reasonable may be based on a combination of factors. For example, the PCB may consider the level of risk associated with a particular test is such that no cost is unduly onerous.



Rule 3.2.16(a): In assessing whether it is not reasonable a PCB may consider whether there is a lack of availability of accredited facilities for that test. For example, an accredited testing facility may not be available if a building product is innovative, and a bespoke test is required.

Rule 3.2.16(b): The provision for product certification bodies to consider whether requiring the use of an accredited testing facility would be ‘unduly onerous due to cost’ is only intended to cover rare situations. As an example, Applicant A’s building product is only available in this country. It is very large, so expensive to ship, but the only accredited facility for the required test is geographically remote. Meanwhile, there is a competent testing facility in New Zealand with similar tests within its scope of accreditation. In this case, and after taking a range of factors into account, the PCB considers that the cost of shipping the building product to the accredited facility offshore imposes an undue cost burden with no safety benefit.

Rule 3.2.16 (c): This is a transitional provision which means that any test report accepted by a PCB before these scheme rules were made may still be accepted by the same PCB with respect to the same certified building product. Note that the PCB’s continued acceptance of this test report is not guaranteed, as its ongoing audits of the certified building product must take into account whether there is any reason to update the test report, and as rule 3.2.18 with respect to the age of test reports also applies. Also note that any proposed use of this test report for a different building product must be considered against the requirements of the scheme rules.

Rule 3.2.16 (e): An example of a test associated with a high level of risk is one relating to structure or fire safety. If this test is not carried out properly and the building product does not comply with the Building Code’s structural or fire safety provisions, there are serious consequences for life safety. An example of a test with a lower level of risk is an acoustic test, as the building product’s failure to comply would have less serious consequences.

Rule 3.2.17: NZS ISO/IEC 17025 section 6 covers resource requirements including: personnel; facilities and environmental conditions; equipment; metrological traceability (which is about ensuring that measurement results are comparable nationally and internationally); and externally provided products and services.

NZS ISO/IEC 17025 section 7 covers process requirements including: procedures for reviewing requests, tenders and contracts; the selection, verification and validation of methods; sampling plans and methods; handling test or calibration items; technical records; evaluation of measurement uncertainty; ensuring the validity of results; reporting of results; complaints processes; nonconforming work; and control of data and information management.

Evaluating quality plans – traceability of a building product

Rule 3.2.14 states that in the case of a building product, a PCB must ensure the applicant has a traceability process that can trace the building product back to the inspection and test records providing the basis for its release from the factory. The level of traceability required for a product will depend on the characteristics of each certified product and the PCB will need to determine the appropriate level of traceability required. For example, for critical products such as deformed steel reinforcing, specific mill test reports (MTR) should be stamped on the product where it would permanently remain. Insulation batts on the other hand should have traceability information printed on the packaging (eg SKU, manufacturer name, address, CodeMark certificate number).

Identifying nonconformities during evaluation

Nonconformities are most commonly departures from: the quality plan or other scheme requirements; aspects of the product specification; or requirements in a relevant product Standard. Any nonconformities have to be linked to the relevant provisions of the New Zealand Building Code.

EXAMPLE 7

During an installation inspection for a liquid applied membrane the PCB notes that the trained installer is unaware of the product's shelf-life limitations. As a result, the roofing project has been completed with expired materials. The PCB identifies this as a nonconformity, referencing the training manual and Building Code clause B2.3.1 (c) (which concerns the durability of building elements). The PCB decides to classify this as a minor nonconformity because the manufacturer's product specification limits the membrane's use to easily accessible areas, and because any premature deterioration will be picked up during routine maintenance.

Assessing technical opinions

Rule 3.2.19 covers the minimum requirements regarding assessing technical opinions. Clause (c) covers technical opinions that do not contain the direct evidence upon which the opinion is based – eg an opinion that references a test report, but does not include it directly. In this type of case, a PCB must at least consider the competence and credibility of the expert providing the technical opinion (clause (b)), and the relevance of the technical opinion to what is being evaluated as justification for accepting a technical opinion without direct evidence.

For instance, an applicant may produce a technical opinion of their building product from an independent appraisal organisation well-known in the building product industry. The technical opinion does not contain a type test or other direct physical evidence relating to the building product's performance, but it is an engineering-based evaluation of the performance that the product is expected to achieve if it were tested.

To accept this technical opinion a PCB must be satisfied that:

- › the appraisal is relevant to the building product (ie the appraisal is an assessment that the building product is fit for purpose and complies with the Building Code)
- › the appraisal organisation has suitably qualified staff (such as engineers and research scientists) and are competent and credible to evaluate the building product and to interpret evidence (eg technical literature) that form part of the appraisal.
- › if the technical opinion contains evidence, the PCB must be satisfied it is sound (ie a type test report from a testing facility accredited to ISO/IEC 17025:2018 as per Rule 3.2.14)
- › if the technical opinion does not contain direct physical evidence like a type test/test report, the PCB must be satisfied that the reason why is sound (ie the technical opinion draws on accepted literature and references tests that have been carried out by an accredited laboratory or organisation)

Site audits and inspections

Remote audits

When planning a remote audit, it may be useful to:

- › obtain a detailed floor plan of the manufacturing site that includes key features (eg the locations of each manufacturing process, incoming product inspection, storage areas, quality control, and in-house laboratory) and consider how best to carry out a walk-through of this site
- › decide on the most appropriate technology and equipment, eg one of the common online meeting platforms used with webcams, smartphone cameras, and/or shared screens. It may also be worth using a hand-held mounting arm with the webcam or smartphone onsite to provide greater visibility for the remote auditor, and
- › check this technology will work as required onsite, ie that there is sufficient internet access to provide a stable connection and acceptable audio and video quality.

Suggestions for carrying out a remote audit include:

- › asking someone to accompany the PCB's representative onsite during their walk-through, to provide directions and safety alerts
- › using the walk-through to show specific aspects of the manufacturing site and hold any discussions with staff such as workshop supervisors and operators, and
- › reviewing procedures and records of routine activities (eg internal audits and management reviews) via webcam or shared screens.

Installation inspections

Installation inspections may also be carried out to evaluate in-service performance, which acts as monitoring and confirmation of the opinions/assessment developed from laboratory testing and other means.

Note that a PCB may consider a demonstration of an installation (eg at a manufacturing site) as an alternative to an installation inspection at a construction site (rule 3.2.24), but only if the PCB is satisfied that there are no site-specific factors that would render the demonstration inadequate, and the skill level employed by those carrying out the demonstration can be matched by appropriately competent installers at a construction site, and the installation instructions are sufficient to enable installers to achieve a comparable result.

Evaluation report, review and certification decision

Note that ISO/IEC 17065 clause 7.5.1 requires a review of the evaluation report to be carried out by person(s) who were not involved in the evaluation process. Also note that in many cases this review is likely to involve more than one person, as reviewers will need to understand the technical significance of the evaluation report (ie to understand testing, auditing and inspection) as well as advise on the extent to which the evaluation report addresses the applicable CodeMark scheme and New Zealand Building Code requirements.

Product certificates and certificate numbers

As per the previous scheme rules each product certificate must have a unique certificate number. However, under the previous rules some product certification bodies add letters to the unique number denoting their organisation, or other prefixes and suffixes. The new rules specify a standard format for the certificate number that won't alter while it remains with the issuing product certification body.

Rule 3.3.1(a) now requires that product certification bodies must use the current product certificate provided by MBIE. This is for standardisation purposes for certificates issued by different PCBs.

As per rule 3.3.1(e), product certification bodies also cannot change the structure or design of the new template.

Note that this proposal doesn't affect existing certificate numbers as it only applies when the product certification body issues a product certificate (when it certifies a new building product or building method). If the certificate holder decides to move to another product certification body, that product certification body will issue a new unique number.

What the law says:

Section 269 of the Building Act requires the product certificate to state whether there are any matters that should be taken into account in the use or application of the building product or building method and, if so, what those matters are.

Regulation 15 and Schedule 2 of the Regulations specify the required content and how this information must be presented (written in plain English; not be too lengthy, detailed, specific, technical, or complex; but be detailed enough to enable users of the product certificate to understand how the certified building product or building method will perform in relation to its intended use).

The Regulations require the product certificate to include a version number as well as a certificate number. PCBs can use their discretion when choosing a suitable format for doing this. An example of a suitable format is the certificate number followed by the version number (eg CMNZ12345 v1).

Rule 3.3.1(d) specifies that the PCB must not add any other text or numbers to the certificate number. This means any product certificate issued under these scheme rules will have a certificate number that is consistent even if there is a change in the responsible PCB (the product certification body that issued, or last reviewed, the product certificate).



The current responsible PCB can be identified from MBIE's public register of product certificates (available at [Product certificate register | Building Performance](#))

Note that any certificate number assigned before these scheme rules were made, and which may have other prefixes or suffixes (eg denoting the name of a PCB), does not need to be changed. Rule 3.3.1 only applies when the PCB issues a product certificate, ie when it certifies a new building product or building method.

Note that each product certificate must include the following (refer to the Regulations, Schedule 2):

- › the original date of issue (ie original date of issue of the certification of that product)
- › the certificate number
- › the version number, and
- › the date of last review (if any).

There is no requirement to include a version history on the product certificate but providing a link to this information may be helpful for users.

Surveillance

Section 3.4 *Surveillance* contains rules for a PCB's review of a product certificate. PCBs must review product certificates at least annually. The factors that a PCB must take into account during its audit of the building product or building method include any changes to:

- › the building product or building method
- › ownership or control of the manufacturer or certificate holder
- › technical documents relied on as part of the assessment for certification
- › relevant regulations, Building Code clauses or means of compliance
- › any non-conformance with the product certification criteria or quality plan that the PCB is aware of
- › any complaints
- › any information the PCB has that may adversely affect the continued reliability of relevant test reports or technical opinions.

What the law says:

Section 270 of the Building Act requires PCBs to review product certificates at least annually by conducting an audit of the building product or building method to which the certificate relates. This audit is to ascertain whether: the building product or building method continues to comply with the criteria for certification; and there are grounds to suspend or revoke the certificate. In conducting this audit, the PCB must take into account any matters specified in the Regulations and the scheme rules.

Regulation 16 specifies the requirements that a PCB must take into account during an audit including further considerations for the PCB if it becomes aware of matters that suggest there may be grounds to suspend or revoke the product certificate. This includes any information that the PCB has that may adversely affect the continued reliability of:

- › the evaluation plan
- › risk assessments carried out before certification
- › quality plan; or
- › any technical documents relied on as part of the assessment for certification of the building product or building method and that relate to its design, installation, use, or maintenance.

Rule 3.4.2: A PCB review of a product certificate under section 270(3) of the Building Act is intended to

support the Regulations by making sure that if there is a change in product certification body, any review of the product certificate is robust. Note that there are related requirements in rule 3.1.7 for product certification bodies to justify and record their decisions and the reasons for those decisions, and in Part 2, rule 2.2 for the accreditation body to consider any recent changes in the responsible PCB in its next surveillance audit.

Nonconformities identified during surveillance

When reviewing a product certificate under section 270 of the Building Act, the PCB must—

- (a) identify any nonconformities and act on these in accordance with Table 5; and
- (b) inform the certificate holder of the required actions.

Nonconformities are most commonly departures from: the quality plan or other scheme requirements; aspects of the product specification; or requirements in a relevant product Standard. Any nonconformities have to be linked to the relevant provisions of the New Zealand Building Code.

Post-manufacture surveillance

Post-manufacture inspections may include inspecting one or more samples of the certified building product, eg from a distribution warehouse or a New Zealand wholesaler or retailer, and/or further product testing in order to confirm it is materially the certified product. A post-manufacture inspection may be triggered if a PCB receives a relevant complaint or if the Chief Executive of MBIE or the accreditation body direct a PCB to conduct an inspection. A relevant complaint should be substantive which includes, but is not limited to, complaints that are verified with physical evidence, or are accompanied by detailed information that provides just cause for a post-manufacture inspection to be carried out.

PCB review of product certificate

Rule 3.4.2: PCB review of a product certificate under section 270(3) of the Building Act. Section 270(3) of the Act concerns the process of changing from one PCB to another. It provides that: “A registered PCB may review a product certificate for which it is not the responsible PCB at the request of the proprietor of the building product or building method to which it relates”.

Note that the PCB’s review must also comply with Regulation 16, which specifies the matters to be taken into account. Also refer to rule 2.2, which requires the accreditation body’s next surveillance audit of a PCB to include a review of any product certificate for which the PCB has become the responsible PCB since the previous surveillance audit.

Suspension or revocation of product certificate by a PCB

What the law says:

Section 271 of the Building Act covers PCBs’ suspension or revocation of a product certificate. Reasons that PCBs may do this include if they are satisfied that:

- › the certificate was obtained by fraud, misrepresentation, or concealment of facts
- › the building product or building method no longer meets the criteria for certification
- › the proprietor of the building product or building method has failed to comply with the scheme rules
- › any certification or similar authorisation issued or granted in respect of the building product or building method has been suspended or revoked for any reason
- › the building code no longer applies to the building product or building method because of an amendment to the code
- › the product certificate hasn’t been reviewed under section 270 within the previous 12 months (assuming the product certificate has been in force for at least that long).

Part 4: Certificate holder requirements

This Part covers requirements for certificate holders, which include making sure that the certified building product continues to be manufactured, or the certified building method to be implemented, in accordance with the quality plan and any conditions associated with the product certificate.

A CodeMark certificate holder is required to:

- › maintain the quality plan for the certified building product/building method
- › ensure the certified product continues to be manufactured in accordance with the quality plan
- › ensure that the certified product is materially the same as any sample evaluated by the PCB on application for certification
- › provide any information the PCB needs when it reviews the product certificate
- › ensure guidance and other relevant material outlined in the “conditions and limitations of use” section of the product certificate is easily accessible online
- › notify the responsible PCB of any changes to the certified product, its manufacture, quality plan, installation, maintenance, or activation of product recall procedure
- › follow Schedule 1 and 2: use of the mark of conformity (CodeMark registered trade mark).

What the law says:

Section 208 of the Building Act states that a certificate holder can challenge (by appeal to the District Court) a decision by the Chief Executive to: refuse to register a product certificate relating to that building product or building method; or to suspend, or refuse to lift the suspension of, the certificate’s registration.

Section 270 specifies that a certificate holder must provide any information or matter the PCB requires for the purposes of an audit or review. Not complying with this requirement is an offence.

Section 272H states that it is an offence to mispresent something as:

- › having a current product certificate
- › having a registered product certificate; or
- › having been evaluated and certified under the CodeMark scheme

Change in PCB

A change in the responsible PCB for a product certificate is achieved by the PCB’s review of the certificate, at the proprietor’s request (refer to section 270(3)). Rule 3.4.2 applies to any such review.

Change in certificate holder

If a change in certificate holder means the certified building product or building method would be manufactured at a different site, the PCB must treat this as a new application (refer to rule 3.5.1). In all other cases the PCB may use its discretion to determine the nature and extent of its review.

Quality plans

The rules here (4.2 & 4.3) and in Part 3 for PCBs’ evaluation of quality plans are intended to provide relevant provisions whether or not the certificate holder or the manufacturer (if these are distinct) has a management system accredited to ISO 9001:2015 *Quality management systems – requirements*.

Regulation 13 contains requirements for the quality plan submitted to the PCB by an applicant for certification, including that the quality plan must specify: the procedures to be followed in respect of the building product or building method; the resources to be applied; and the persons responsible for following those procedures and applying those resources.

In cases where the certificate holder is not the manufacturer, aspects of the quality plan will rely on good communication between the two. Note that when the certificate holder is not the manufacturer, the certificate holder is still required to prepare a quality plan for the building product or building method which will require inputs from the manufacturer(s) but does not need to obtain the manufacturers' own quality plan unless they choose to or are able to do so.

For example, the quality plan could reference manufacturer production control systems or recognized testing methods to ensure the quality of the product is maintained. The certificate holder should ideally have a documented agreement in place with the manufacturer(s) to ensure that the product will be produced in accordance with the quality plan and that the certificate holder will be informed of any changes made by the manufacturer that may influence its compliance. This includes, but is not limited to, raw material specification or supplier, manufacturing process and equipment, product specification or batch release procedure.

Rule 4.2(b) gives the PCB confidence that the manufacturer respects the certificate holder's role in relation to their building product or building method. Rule 4.2(f) places a responsibility on the certificate holder to assess the risk of receiving unacceptable product quality from the manufacturer and to consider how to reduce that risk, ideally with the manufacturer's cooperation.

Rule 4.3(c) states that the product quality plan must specify product traceability information from the certified building product to the production batch test records.

Rules 4.3(g) and (h) states that the quality plan must specify the production processes (ie manufacturing processes), and monitoring and measurement processes for the building product or building method. Specifying production and monitoring processes provides a tool by which the PCB can monitor the stability of product quality.

Mark of conformity (CodeMark trade mark)

[Schedule 1 and 2: Use of the mark of conformity](#) in the CodeMark scheme rules contain the requirements for using the CodeMark mark of conformity including acceptable formats, colour options, and transition requirements.



Figure 1: Old mark of conformity



Figure 2: New mark of conformity

Schedule 1: Use of the mark of conformity in the rules document. This schedule contains requirements for using the CodeMark mark of conformity (which is a registered trade mark) including acceptable formats.

Schedule 2: Use of the new mark of conformity contains the same requirements as the prior mark of conformity, except with the new brand and relevant dimensions.

Certificate holders must ensure the CodeMark trade mark and the certificate number is on or attached to every certified product. They can either apply them directly (for example, by stamping or printing) or indirectly, by putting them on associated packaging or marketing material.

Certificate holders can only use or refer to the CodeMark in relation to a certified product with a current registered product certificate.

Starting 8 May 2023, CodeMark scheme participants are encouraged and welcome to use the new mark of conformity outlined in Schedule 2. However, starting 1 September 2024, the new mark of conformity in Schedule 2 must be used in accordance with the scheme rules.

In order to give CodeMark scheme participants time to transition building products on the shelf to the new mark of conformity, MBIE has introduced a phased transition timeline.

CodeMark brand transition timeline

Transition Phase	Start date	End date	Detail
Preparation	February 2023	End of April 2023	<p>This time period will allow:</p> <ul style="list-style-type: none"> › MBIE to supply brand files and certificate holder guidance › scheme participants to get ready for the transition to the new brand › product certification bodies to communicate with their certificate holders regarding the new mark of conformity requirements and provide them with the new brand imagery.
Launch	8 May 2023		<p>From this date, transition of new product produced with new mark of conformity commences.</p> <p>Scheme participants can begin using the new brand according to <i>Schedule 2: Use of the mark of conformity</i> in the CodeMark scheme rules at any time from 8 May 2023.</p>
Begin using new brand	8 May 2023	1 Sept 2024	<p>The existing mark of conformity can still be used throughout this time for product/ packaging that is already in use.</p> <p>Scheme participants may use the new brand on existing products already manufactured. Scheme participants may also use the new brand on associated marketing materials directly linked to the certified product or building method.</p>
Deadline for new product/packaging	1 September 2024		<p>Scheme participants must have all new product produced and packaged with the new mark of conformity.</p>
Deadline for existing product/packaging	1 September 2025		<p>Scheme participants must have any remaining stock marked with old brand withdrawn from sale or repackaged with new brand.</p> <p>All product available must have the new mark of conformity.</p>
Enforcement	2 September 2025		<p>Enforcement that the old mark of conformity has been removed from certified products will come into effect from this date.</p>

Product certification bodies will take the lead on monitoring and enforcement. MBIE will provide a framework for certificate holder self-declaration, as well as a framework for interim self-reporting on how they are tracking to comply with the relevant scheme rules. For example, certificate holders will need to self-declare when their new building product has the updated mark of conformity. They may need to clarify whether the building product with the old mark of conformity is still on the shelves.

If a certificate holder does not comply with any of the scheme rules, including the transition of the mark of conformity, the relevant product certification body can suspend or revoke their product certificate.

Public disclosure requirements

Rule 4.4 commences on 11 December 2023 and specifies that a certificate holder must ensure that guidance and relevant materials stated in the “conditions and limitations of use” section of a product certificate are accessible to the public. In practice, this means having the information readily available on the certificate holder’s website or by request.

The purpose of this new scheme rule is to make the information needed for use of a CodeMark certificate available to those who need it, for example, installation/design manuals. Information such as test reports, technical opinions, and technical documentation (or other supporting information used for certification) do not need to be released to the public including building consent authorities.

While CodeMark is exempt from the [Building \(Building Product Information Requirements\) Regulations 2022](#), it is important for users of CodeMark building products or building methods, especially installers and applicators, to easily access the guidance and relevant instructions for installation or design.

Additionally, as CodeMark building products and building methods must be installed exactly as outlined in the “conditions and limitations” section of the certificate, it is vital that relevant parties (such as installers and building consent authorities) are able to easily access the material on how to correctly use the product. This is to ensure that the product is used or installed in a way that aligns with the scope, conditions and limitations of the certificate.

EXAMPLE 8

A CodeMark certificate holder has a current registered certificate for timber weatherboard cladding. So long as it is installed within the “conditions and limitations of use” section, it complies with the following Building Code provisions:

- › B1 Structure – B1.3.1, B1.3.2, B1.3.3 (a, f, h, j), B1.3.4
- › B2 Durability – B2.3.1 (b)
- › E2 External Moisture – E2.3.2, E2.3.5, E2.3.7
- › F2 Hazardous Building Materials – F2.3.1.

In the “conditions and limitations of use” section, the following installation manuals are listed:

- › Timber bevel back weatherboard installation manual, version 1, May 2023
- › Timber rusticated weatherboard installation manual, version 1, May 2023
- › Timber weatherboard cladding shiplap installation manual, version 2, May 2023.

As these manuals are required to install the product in the way that is compliant with the Building Code, these installation manuals must be easily accessible to the public. By the public, this includes building consent authorities, people who are installing these products, and people who are using these products. The certificate holder must also ensure that the documents available on the website or via request are the correct versions as noted on the certificate.

The certificate holder has two options:

1. make the installation manuals available on their website.
2. give access to the installation manuals via request from their website.

EXAMPLE 9

A certificate holder has a current product certificate for wool insulation. So long as it is installed within the “conditions and limitations of use” section, it complies with the following Building Code provisions:

- › B2 Durability – B2.3.1(a) and B2.3.2
- › C3 Protection from fire – C3.7(a)
- › E3 Internal moisture – E3.3.1
- › F2 Hazardous building materials – F2.3.1.
- › G6 Airborne and impact sound – G6.3.1.
- › H1 Energy efficiency – H1.3.1(a) and H1.3.2E.

In the “conditions and limitations of use” section, the following product data sheets and installation instructions are listed:

Product data sheets as follows:

- › Wool insulation: acoustic, Ref: 1234, May 2023
- › Wool insulation: ceiling, Ref: 12345, May 2023
- › Wool insulation: commercial roll, Ref: 123456, May 2023
- › Wool insulation: wall, Ref: 1234567, May 2023
- › Wool insulation: multi-use roll, Ref: 12345678, May 2023
- › Wool insulation: underfloor roll, Ref: 123456789, May 2023
- › Wool insulation: quilted underfloor segments, Ref: 12345678910, May 2023

One of the conditions on the product certificate states that installing insulation must be carried out by the certificate holder’s accredited installer.

The installation manuals are as follows:

- › Installation instructions – wool insulation ceiling segments, Ref: 654321
- › Installation instructions – wool insulation ceiling rolls, Ref: 65432
- › Installation instructions – wool quilted underfloor segments, Ref: 654789
- › Installation instructions – wool insulation underfloor roll, Ref: 789456
- › Installation instructions – wool insulation wall segments, Ref: 147852.

As the product data sheets are required to install the product so it establishes compliance with the Building Code, these product data sheets must be easily accessible to the public. This includes building consent authorities, people who are installing these products, and people who are using these products. The certificate holder must also ensure that the documents available on the website or via request are the correct versions as noted on the certificate.

However, as the installation instructions must be implemented by an accredited installer, the certificate holder may use their discretion in regard to rule 4.5(b) when deciding to make the information accessible on their website.

The certificate holder has two options:

1. These product data sheets must be on their website. The installation manuals are left up to the certificate holder’s discretion.
2. These product data sheets must be easy to request from their website. The installation manuals are left up to the certificate holder’s discretion.

Denying public disclosure requests

Rule 4.5 outlines the instances where a certificate holder may refuse a request. If the requested information is already available on their website, they do not need to send it because it is already listed.

However, rule 4.5(b) allows certificate holders to deny a request if the benefits of making the information available are outweighed by the detriment of releasing it. For example, if the request is intellectual property and not required to install a certified building product or building method according to the “conditions and limitations of use” section, a certificate holder may deny the request.

Guidance

There are instances where you can deny a request for information from the public.

EXAMPLE: If an individual requests an installation manual but is not a trained/approved installer, and one of the “conditions and limitations of use” includes a requirement for the product to be installed by a trained or approved installer, a certificate holder may deny the request.

If a requester is denied access to information from a certificate holder, a complaint can be made to the responsible PCB that issued the certificate. The PCB is responsible for ensuring the certificate holder complies with the scheme rules. If a certificate holder fails to comply with the scheme rules, the PCB or MBIE can suspend or revoke a certificate under section 271(1)(e) of the Building Act. Further information on the general complaints process can be found on page 5 of the [CodeMark scheme rules](#).

If a certificate holder denies a request to release information to someone, it must be in the form of a refusal letter. This means every refusal must be communicated in writing explaining the reason why the information was not released to the requester.

EXAMPLE 10

Refusal of access to information letter

Kia ora,

Thank you for taking the time to request the following installation manuals:

- › Installation instructions – wool insulation ceiling segments, Ref: 654321
- › Installation instructions – wool insulation ceiling rolls, Ref: 65432
- › Installation instructions – wool quilted underfloor segments, Ref: 654789
- › Installation instructions – wool insulation underfloor roll, Ref: 789456
- › Installation instructions – wool insulation wall segments, Ref: 147852.

One of the requirements for installing our insulation products is you must be an accredited installer. As you are not an accredited installer and you do not need the information to make a consenting decision with one of our products, we have decided to not release this information to you. This is to ensure our products are only installed by accredited installers.

Ngā mihi nui,

Wool insulation CodeMark certificate holder

Appendix

Building Act 2004	Building (Product Certification) Regulations	CodeMark Scheme Rules 2023 1
Accreditation of product certification bodies		
261 Chief Executive may appoint product certification accreditation body		
262 Requirements for product certification accreditation body Also see: New Zealand <i>Gazette</i> , No 14, 5 February 2009 Notice of Requirements for Product Certification Accreditation Body		<i>Part 2: Accreditation body requirements</i> <ul style="list-style-type: none"> › Rules 2.1-2.2 › Schedule 1: Use of the mark of conformity › Schedule 2: Use of the new mark of conformity
262A Fees for audits	Reg. 17: Fees: Audit of accredited PCB	
263 Accreditation of product certification body	<i>Criteria and standards for accreditation as product certification body</i> Reg. 5: Requirements for policies, procedures and systems Reg. 6: Conformity assessment Reg. 7: Other requirements for policies, procedures, and systems Reg. 17: Fees Schedule 3 Fees: Part 1 Product certification body	<i>Part 3: Product certification body requirements</i> 3.1 General requirements <ul style="list-style-type: none"> › Rules 3.1.1-3.1.7 › Schedule 1: Use of the mark of conformity › Schedule 2: Use of the new mark of conformity
264 Suspension or revocation of accreditation		
267 Product certification accreditation body must notify Chief Executive of grant, suspension, lifting of suspension, or revocation of accreditation		
Also see: 272G Offence to misrepresent status as product certification body		

Building Act 2004	Building (Product Certification) Regulations	CodeMark Scheme Rules 2023 1
Registration of product certification bodies		
267A Registration of product certification body	<p><i>Criteria and standards for registration of product certification body</i></p> <p>Reg. 8: Criteria and standards for registration</p> <p>Reg. 9: Application for registration</p> <p>Reg. 10: Information required under regulation 9(d)(i)</p> <p>Reg. 11: Information relating to conflicts of interest</p> <p>Reg. 17: Fees</p> <p>Schedule 3 Fees: Part 1 Product certification body</p>	<p><i>Part 3: Product certification body requirements</i></p> <p>3.1 General requirements</p> <p>› Rule 3.1.1 (e) (f)</p>
267B Audit of registered PCB		
267C Suspension of registration of PCB		
267D Lifting of suspension of registration of PCB		
267E Revocation of registration of PCB		
<p>Also see:</p> <p>200-203C Disciplinary powers in relation to complaints</p> <p>204 Special powers of Chief Executive for monitoring performance of functions under this Act</p> <p>208 Appeals to District Court</p> <p>272G Offence to misrepresent status as product certification body</p> <p>273 Chief Executive must keep registers</p> <p>274 Purpose of registers</p>		

Building Act 2004	Building (Product Certification) Regulations	CodeMark Scheme Rules 2023 1
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Certification of building products and building methods

269	Product certificates	<p><i>Criteria and standards for certification of building methods or building products</i></p> <p>Reg. 12: Criteria and standards for certification</p> <p>Reg. 13: Quality plan for building product or building method sought to be certified</p> <p>Reg. 14: Supply of samples</p>	<p><i>Part 3: Product certification body requirements</i></p> <p>3.2 Evaluation</p> <ul style="list-style-type: none"> › Rules 3.2.2-3.2.29
270	Annual review of product certificate	<p><i>Content and annual review of product certificates</i></p> <p>Reg. 16: Annual review of product certificates</p>	<p><i>Part 3: Product certification body requirements</i></p> <p>3.4 Surveillance</p> <ul style="list-style-type: none"> › Rules 3.4.1-3.4.6 <p>3.5 Change in certificate holder</p> <ul style="list-style-type: none"> › Rule 3.5.1 <p>Part 4: Certificate holder requirements</p> <ul style="list-style-type: none"> › Rules 4.1-4.6 › Schedule 1: Use of the mark of conformity › Schedule 2: Use of the new mark of conformity
271	Suspension or revocation of product certificate		<p><i>Part 4: Certificate holder requirements</i></p> <ul style="list-style-type: none"> › Rules 4.7-4.8
272	Notification to Chief Executive by registered PCB		

Registration of product certificates

272A	Registration of product certificates	<p><i>Content and annual review of product certificates</i></p> <p>Reg. 15: Content of product certificates</p> <p>Schedule 2: Content of product certificates</p> <p>Reg. 17: Fees</p> <p>Schedule 3 Fees: Part 2 Proprietor of building product or building method</p>	<p><i>Part 3: Product certification body requirements</i></p> <p>3.3 Product certificates and certificate numbers</p> <ul style="list-style-type: none"> › Rule 3.3.1
272B	Suspension of registration of product certificate		

Building Act 2004	Building (Product Certification) Regulations	CodeMark Scheme Rules 2023 1
272C Lifting of suspension of registration of product certificate		
272D Revocation of registration of product certificate		
Also see: 200-203C Disciplinary powers in relation to complaints 208 Appeals to District Court 272H Offence to misrepresent product certificate 273 Chief Executive must keep registers 274 Purpose of registers		
Schedule 1AA Part 4 9 Meanings of building product and building method 10 Current PCBs have 6 months to become registered 11 Current product certificates become registered 12 Product certificates for building designs or building design methods	Schedule 1 Transitional, savings and related provisions 1 Application for accreditation as product certification body made before 7 September 2022 but not decided before that date 2 Fees for audits of accredited PCBs commencing before 7 September 2022 but not complete before that date	

Information requirements for product certificates

The content of product certificates is addressed in the Building Act and the Regulations:

- › Section 269 requires the product certificate to state whether there are any matters that should be taken into account in the use or application of the building product or building method and, if so, what those matters are, and
- › Regulation 15 and Schedule 2 of the Regulations specify the required content and how this information must be presented (written in plain English; not be too lengthy, detailed, specific, technical, or complex; but be detailed enough to enable users of the product certificate to understand how the certified building product or building method will perform in relation to its intended use).

Regulation 15: Content of product certificates

- (1) For the purposes of section 272A(1)(a)(ii) of the Building Act, a product certificate must include all the information referred to in [Schedule 2](#) (below)
- (2) If the product certificate relates to both a building product and a building method that are to be used together, the information must be given in respect of both the building product and the building method.
- (3) The information must—
 - (a) be written in plain English; and
 - (b) not be too lengthy, detailed, specific, technical, or complex; but
 - (c) be detailed enough to enable users of the product certificate to understand how the certified building product or building method will perform in relation to its intended use.

Schedule 2: Content of product certificates

In accordance with [regulation 15](#), a product certificate must include the following information:

General

- (a) the original date of issue:
- (b) the certificate number:
- (c) the version number:
- (d) the date of last review (if any):

Certificate holder

- (e) the following information about the certificate holder:
 - (i) their legal name:
 - (ii) their trading name or trading names:
 - (iii) their address for service:
 - (iv) their email address and phone number:
 - (v) their Internet site:

Product certification body

- (f) the following information about the registered PCB for the product certificate:
 - (i) their legal name:
 - (ii) their trading name, or trading names, in New Zealand:
 - (iii) their address for service in New Zealand:
 - (iv) their email address and phone number in New Zealand:
 - (v) their Internet site:
 - (vi) an Internet link to the publicly available information on the registered PCB's complaint process:

Building product or building method

- (g) a description of the building product or building method that includes the following:
 - (i) the name or names of the building product or building method in New Zealand (including the brand or brands used for marketing):
 - (ii) the building method's or building product's catalogue or model identification number or numbers or other unique identifiers that might be used to identify the building product or building method:
 - (iii) in the case of a building product or building method that is a tangible product, the product's physical attributes:

Intended use

- (h) a description of the intended use of the building product or building method that includes the following:
 - (i) the intended use of the building product or building method as described in the building product's or building method's manual and other instructional materials:
 - (ii) a statement of the function or purpose of the building product or building method:

Building code

- (i) a list of the clauses of the building code with which the building product or building method complies:
- (j) a statement specifying how the building product or building method specifically contributes to compliance with the building code when used as part of a system (if applicable):

Conditions and limitations of use

- (k) a list of any conditions or limitations of conformity for each performance requirement in the building code that the building product or building method is compliant with, including any—
 - (i) qualifications on the extent of compliance (including where the building product or building method must be used as part of a system):
 - (ii) requirements for the building product's or building method's use to be in accordance with the installation instructions and requirements against which the building product or building method was assessed:
 - (iii) requirements for people with the qualifications and skills to install or use the building product or building method (other than requirements set by other laws):
 - (iv) known or demonstrated circumstances where the building product or building method should not be used:
- (l) a statement as to whether there are any matters that should be taken into account in the use or application of the building product or building method and, if so, what those matters are:

Health and safety information

- (m) any health and safety information necessary to ensure that the relevant performance requirements in clauses F1 to F9 of the building code are met:

Signatures

(n) the signatures of the following persons:

- (i) the product certification body's authorised representative:
- (ii) the person or persons assigned by the product certification body to make the certification decision in accordance with the product certification body's policies, procedures, and systems referred to in regulation 6 (which relates to conformity assessment):

Basis for certification

(o) 1 or more statements as to how the performance requirements in the building code are met:

References to supporting documentation for certification

- (p) a list of any acceptable solutions, verification methods, standard (within the meaning of section 4(1) of the Standards and Accreditation Act 2015), or other means of compliance listed against each individual performance requirement the building product or building method is compliant with, and their specific version and date:
- (q) a list of any documents describing tests and evaluations, including their full and correct title, specific version, and date, as relevant to the building product's or building method's certification:
- (r) a list of any other documents relied on for certification, or used to prove compliance, including their full title, specific version, and date.



Te Kāwanatanga o Aotearoa
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