

**BUILDING
PERFORMANCE**

CodeMark 

CodeMark Scheme Guidance

GUIDANCE FOR BUILDING CONSENT AUTHORITIES AND PRACTITIONERS
ON THE CODEMARK PRODUCT CERTIFICATION SCHEME

SEPTEMBER 2023



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

Te Kāwanatanga o Aotearoa
New Zealand Government



**Ministry of Business, Innovation and Employment (MBIE)
Hīkina Whakatutuki – Lifting to make successful**

MBIE develops and delivers policy, services, advice, and regulation to support economic growth and the prosperity and wellbeing of New Zealanders.

The CodeMark Product Certification Scheme Guidance is produced by the Building System Performance branch.

This document is issued as guidance under section 11(e) of the Building Act 2004 (the Act).

While MBIE has taken care in preparing the document, it should not be relied upon as establishing compliance with all relevant sections or clauses of the Building Act or clauses of the Building Code in all cases that may arise. This document does not contain legal advice and should not be relied upon as such. This document may be updated from time to time and the latest version is available from MBIE's website at www.building.govt.nz.

MORE INFORMATION

Information, examples and answers to your questions about the topics covered here can be found on our website: www.building.govt.nz or by calling us free on **0800 24 22 43**.

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Purpose

The intent of this guidance document is to support understanding of the CodeMark product certification scheme for building consent authorities, designers, builders, consumers, and scheme participants.

This guidance seeks to:

- act as a guide to the *Building (Product Certification) Regulations 2022* (the Regulations) and scheme rules as they relate to the CodeMark product certification scheme.
- outline how the scheme works and what the certification of a building product or building method entails.
- explain the roles and responsibilities of scheme participants and building consent authorities.
- define building product or building method.
- provide information on the compliance pathways and the consent process for those using the CodeMark scheme.
- explain the purpose and content of the product certificates that a product certification body can issue and use as part of building consent and code compliance certificate applications.
- detail the documentation that must accompany a product certificate as part of a building consent or code compliance certificate application.
- provide information on the consequences for non-compliance with the CodeMark scheme or misrepresentation.
- provide definitions and explanations of key terms/concepts used in the Regulations and scheme rules.

Limitations of this guidance:

This document is a general guide to support building consent authorities and others involved in the CodeMark scheme. It covers the relevant aspects of the *Building Act 2004* (the Building Act), the Regulations and the CodeMark scheme rules.

While the Ministry of Business, Innovation and Employment (MBIE) has taken great care in preparing this guide, it provides guidance only and should not be used to establish all the requirements of the Building Act and Regulations on its own. Readers must refer to the Building Act, the Regulations and scheme rules as their primary source documents, and be aware that for specific situations or problems, it may be necessary to seek independent legal advice.

Interpretation	
Accreditation body	Product certification accreditation body
BCA	Building consent authority
Building Act	<i>Building Act 2004</i>
Building Code	New Zealand Building Code, Schedule 1 to the Building Regulations 1992
CodeMark product certificate	Has the meaning given to it in section 7 of the Building Act: product certificate means a certificate issued under section 269 of the Building Act in relation to a building product or building method
Deemed to comply	As per section 19 of the Building Act, how compliance with the New Zealand Building Code is established. A registered CodeMark certificate must be accepted by a BCA as establishing compliance with the Building Code if every relevant condition in that product certificate is met
ISO/IEC 17065	<i>ISO/IEC 17065: 2013 Conformity assessment – requirements for bodies certifying products, processes and services</i>
ISO/IEC 17025	<i>ISO/IEC 17025:2018 General requirements for the competence of testing and calibration laboratories)</i>
Mark of conformity	A symbol that signifies that the building product has a registered product certificate. The CodeMark mark of conformity is a registered trade mark under the <i>Trade Marks Act 2002</i>
MBIE	Ministry of Business, Innovation and Employment
PCB	Product certification body – an accredited and registered third-party organisation that evaluates building products or building methods for certification under the CodeMark scheme
Regulations	<i>Building (Product Certification) Regulations 2022</i>
Section	Section of the <i>Building Act 2004</i> unless otherwise specified
Scheme rules	Secondary legislation for the CodeMark scheme in New Zealand

Who is this guidance for?

- Building consent authorities, which must accept a CodeMark product certificate as establishing compliance with the New Zealand Building Code, provided the certificate is current and registered, and the building product or building method is used in accordance with the conditions noted on the certificate.
- Scheme participants (which include accredited and registered certification bodies, and certificate holders).
- Manufacturers or suppliers of building products or building methods interested in applying for a CodeMark product certificate.
- Other users including designers, builders, and consumers.

The Roles and responsibilities section has more information about these groups.

WHAT THE LAW SAYS:

The following legislation and regulations may be useful:

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

Technical guidance for the CodeMark scheme rules is also available on the [Building Performance](#) website.

What is CodeMark?

HISTORY

The CodeMark scheme has been operating in Aotearoa New Zealand since 2008, initially as a joint scheme managed by the New Zealand Department of Building and Housing, and the Australian Building Codes Board (ABCB). In 2016, the ABCB implemented a revised set of CodeMark scheme rules specifically for Australia. At the same time, CodeMark started operating in Aotearoa New Zealand as a separate scheme.

The CodeMark scheme operates in Aotearoa New Zealand under the legislative framework provided by the *Building Act 2004* (the Building Act), the *Building (Product Certification) Regulations 2022* (the Regulations) and specific CodeMark scheme rules.

In 2021, the Government introduced rule and regulation-making powers to strengthen the existing CodeMark scheme through the *Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021* (the Amendment Act).

The Amendment Act and the Regulations introduced new requirements for the CodeMark scheme, including criteria for the accreditation and registration of product certification bodies and registration requirements for product certificates. The changes also moved the operational CodeMark scheme rules to secondary legislation to be set by the Chief Executive of MBIE.

As part of the revision of the scheme undertaken as part of the Amendment Act in 2021, a new brand and visual identity was developed for CodeMark alongside new brands for the BuiltReady modular component manufacturer scheme and the MultiProof national multiple-use approval scheme.

In 2022, the scheme rules were significantly revised to align with the Amendment Act changes and the supporting regulations. The new scheme rules intended to:

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

On 7 September 2022, the Regulations and scheme rules commenced.

In December 2023, amendments to the scheme rules will commence that include an update to the mark of conformity and new scheme rules that align with the new building product information requirements.

Along with CodeMark, MBIE also oversees the new modular component manufacturer certification scheme (BuiltReady), as well as MultiProof, which is an approval by MBIE that a set of plans and specifications for a building complies with the New Zealand Building Code. Like CodeMark, the aim of these other schemes is to alleviate pressure in the consenting system by providing streamlined, robust and trustworthy compliance options for manufacturers, suppliers, builders, designers and consumers.

For more on the BuiltReady and MultiProof schemes, please visit the Building Performance website: [Building Performance](#)

HOW CODEMARK WORKS

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 for compliance with the Building Code. It aims to produce accurate and detailed CodeMark product certificates that can be confidently relied upon by the building and construction sector.

Suppliers and manufacturers of building products that wish to obtain a CodeMark certificate for their building product or method must apply for certification through an accredited and registered product certification body (PCB). Product certification bodies assess, evaluate, and certify building products and building methods against the relevant requirements of the scheme such as the CodeMark scheme rules.

Once the product certification body evaluates the building product or building method and deems it to meet the criteria of the scheme, they will issue a CodeMark product certificate for that product or method. A CodeMark certificate is evidence the building product or building method meets the requirements of the Building Code. Once registered with MBIE, the certificate must be accepted by building consent authorities as establishing compliance with the Building Code – provided the certificate is current and registered, and the building product or building method is used in accordance with the conditions noted on the certificate.

CodeMark Australia product certificates cannot be used as deemed to comply pathways. A CodeMark Australia certificate might be used as evidence or information that the building product or system complies with the Building Code. However, a building consent authority does not have to accept it as evidence.

Both accredited product certification bodies and CodeMark certificates must be registered by MBIE.

Only product certification bodies registered by MBIE can issue CodeMark certificates. MBIE keeps an up-to-date list of registered product certification bodies on its website.

CodeMark certificates issued by registered product certification bodies must be registered by MBIE to become valid. For a new CodeMark certificate, the certificate holder is required to pay a small registration fee. MBIE will issue the certificate holder with an invoice and will not list the certificate on the public register until the fee is paid. Only certificates listed on MBIE's public register can be used as **deemed to comply pathways** for that product through the building consent process.

You can access MBIE's product certificate register on the webpage [Product certificate register | Building Performance](#).

WHY CHOOSE CODEMARK?

When builders and designers are working on a building at any stage, they need to show that their work complies with the Building Code and other relevant legislation.

The building consent is the foundation document for any significant building project. It provides formal recognition that the building work, if built in accordance with the plans and specifications, meets the performance requirements of the Building Code. A building consent authority must grant a building consent if it is satisfied on reasonable grounds that the provisions of the Building Code would be met if the building work were properly completed in accordance with the plans and specifications that were approved as part of the application.

There are different pathways to comply with the Building Code, including alternative solutions and deemed to comply pathways. Deemed to comply methods are the easiest ways to show that a building meets the performance requirements set out in the Building Code.

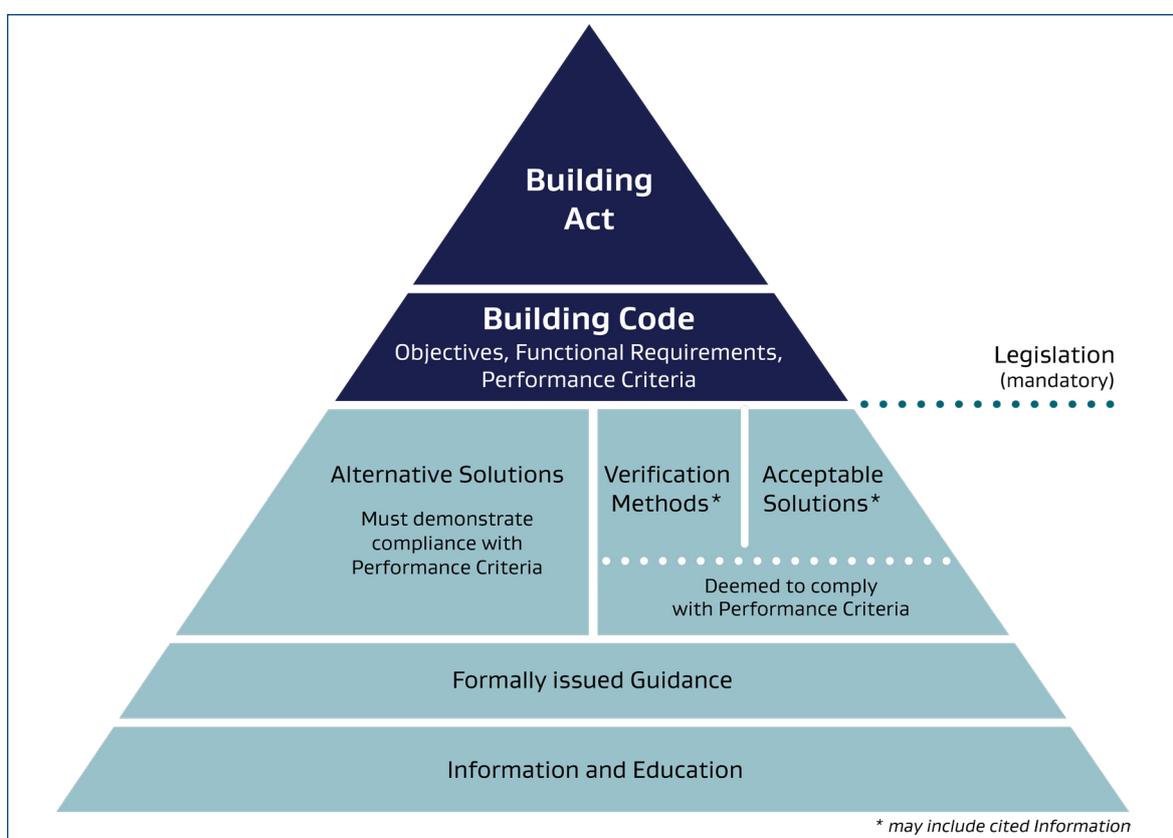


Figure 1: Regulation framework showing some ways to comply with the Building Code

CodeMark is currently the only deemed to comply product certification scheme in Aotearoa New Zealand, which streamlines the building consent and inspection process, and provides assurance that the product can perform as intended.

CodeMark certification is suitable for any product that is consistently produced. However, it is particularly beneficial for manufacturers and suppliers of building products or building methods that are innovative, new to the market or for suppliers who may find it difficult to satisfy building consent authorities that their product complies with the Building Code. It is also suited to manufacturers or suppliers seeking to improve their product's acceptance in the Aotearoa New Zealand market.

CodeMark also has marketing advantages for manufacturers and suppliers as once the certificate is registered, they can use the CodeMark mark of conformity (a registered trade mark) in advertising related to the specific certified building product or method.

CODEMARK AND OTHER TYPES OF PRODUCT ASSURANCE

There are several other ways to show a building product or method complies with the Building Code.

These options include:

- appraisals
- technical information
- independent assessments
- industry-based schemes.

Appraisals

An appraisal is a technical opinion of a building product or building method's fitness for purpose. It involves testing, assessment and verification of Building Code compliance and is done by an independent appraisal organisation. An appraisal looks at any specific installation systems or processes.

A building product or building method will usually be assessed against a wide range of performance factors.

These include:

- the requirements of the Building Code
- performance under test conditions
- in-service performance
- accuracy of the product's technical information
- manufacturing procedures and quality control systems.

Appraisals have no legal standing. A product with an appraisal will not be treated as deemed to comply with the Building Code, like CodeMark. The issuing of appraisals is not backed up by any regulatory framework. For example, there are no requirements in the Building Act that are placed on the organisations that issue the appraisals or the content of the appraisals themselves, other than the fact that they cannot be false or misleading.

Appraisals can form a useful part of a building product or building method's evidence of compliance. An appraisal organisation should be independent of the product's manufacturer or distributor, and an appraisal can be sought from an organisation from outside Aotearoa New Zealand. However, the product needs to be assessed against the Building Code. It is up to the professional judgement of a building consent authority to determine whether they are satisfied that an appraisal certificate has enough evidence to show that a product to be used in the proposed building work meets the requirements of the Building Code.

	CodeMark certificate	Appraisal
Deemed to comply with the Building Code	YES	NO
Provides technical information for a product	YES	YES
Issued by a product certification body undertaking its accredited and registered certification functions	YES	NO
Administered by MBIE	YES	NO
Can be used to support building consent applications	YES	YES

Technical information

Technical information is usually developed by the manufacturer or supplier of the building product or building method. It should contain fact-based performance claims and test results that are directly relevant to the performance requirements of the Building Code. There may be relevant building product information requirements for the building product. Technical information is not marketing material or product warranty information. The building product or building method should be tested based on the parameters of its intended use.

For more information on building product information requirements, please visit the [Building Performance website](#).

Independent assessments

Independent assessments involve the verification of building product information by competent assessors. These might include chartered professional engineers, technical experts and recognised testing laboratories. The manufacturer or supplier usually carries out their own product testing and analysis first. An independent assessment reviews and verifies the results, which is then recorded as an endorsement to the product's technical information.

Industry-based schemes

Industry-based schemes are based on product families or sectors. A building product or building method is assessed against specified and audited industry requirements. Industry-based schemes are voluntary. Manufacturers who belong to these schemes are responsible for making sure their products comply with the scheme requirements, as assessed by the industry organisation.

Examples of industry-based schemes are:

- ready-mixed concrete assessed by the New Zealand Ready Mixed Concrete Association
- glass certified by the Insulating Glass Unit Manufacturers Association.

It is up to the judgement of a building consent authority to determine whether they are satisfied that the described types of product assurance provide enough evidence to show that a product or method to be used in the proposed building work meets the requirements of the Building Code.

While manufacturers and suppliers may find less stringent alternatives to CodeMark (such as technical information or independent assessments) are accepted in the New Zealand building industry, CodeMark does provide the only deemed to comply pathway for building products and building methods. It is also particularly beneficial to manufacturers and suppliers of products that are innovative, new to the market or for suppliers who may find it difficult to satisfy building consent authorities that their product complies with the Building Code.

Scheme regulatory 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 Building Code.

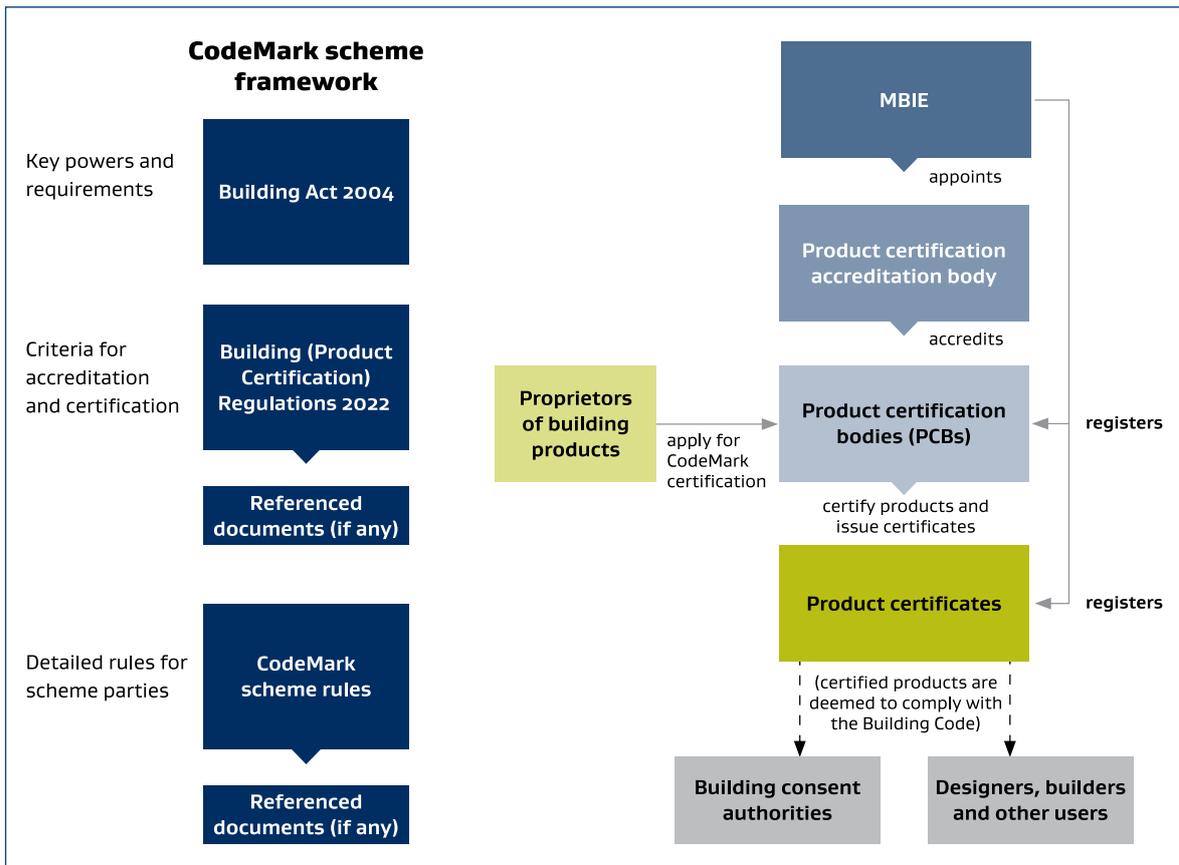


Figure 2: The system for managing product certification

Appendix 2: CodeMark scheme framework provides more detail on the relevant requirements in the Building Act and the Regulations. This is included in Appendix 2: CodeMark scheme framework of this document.

CODEMARK SCHEME RULES

The scheme rules are secondary legislation made by the Chief Executive of MBIE. Both the Building Act and Regulations require 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. Scheme parties are:

- the accreditation body (the current accreditation body is the 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 Chief Executive may make rules for the operation of the scheme
- the definition of 'scheme party'
- what the scheme rules can cover, which includes rules about how the scheme parties are to perform their functions under the Building Act, how building products and building methods are to be evaluated, resolution of disputes between scheme parties and procedural and administrative matters.

Regulations are made under section 402 of the Building Act.

The scheme rules may also supplement regulations made under section 402 with respect to:

- accreditation of product certification bodies
- product certificates
- annual reviews of product certificates.

OTHER RELEVANT DOCUMENTS

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 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.

[The CodeMark technical scheme rules resource](#) provides detailed guidance on how to interpret the CodeMark scheme rules. 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 provides:

- detailed guidance on the scheme rules and the relevant provisions in the *Building (Product Certification) Regulations 2022* and the *Building Act 2004*
- information related to key changes in the scheme rules
- detailed examples of how to interpret and implement the new scheme rules.



Roles and responsibilities

The Building Act, Regulations and the CodeMark scheme rules outline the roles and responsibilities for all scheme parties, while providing detailed operational requirements for product certification bodies and the certificate holders.

MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT (MBIE)

MBIE is the central regulator of the building sector. It is the administering agency for the Building Act, associated regulations, and certain secondary legislation (such as scheme rules).

The Chief Executive of MBIE has a range of roles and responsibilities under the Building Act regarding the CodeMark scheme:

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

The Chief Executive has delegated their role and responsibilities for these functions through to named individuals of MBIE that work in the building regulatory system. For the purposes of this guidance document we refer to the Chief Executive of MBIE.

The Chief Executive of MBIE may audit a registered product certification body and has the power to suspend and revoke registration if satisfied that a registered product certification body no longer meets the criteria for registration or has failed to comply with any scheme rules.

The Chief Executive of MBIE also has the power to register product certificates and suspend or revoke registration if the responsible product certification body or certificate holder no longer meets the criteria for registration or has failed to comply with any scheme rules.

WHAT THE LAW SAYS:

Section 11 of the Building Act covers the following responsibilities of the Chief Executive of MBIE:

- can appoint a product certification accreditation body for the scheme under section 261
- can register product certification bodies (PCBs) under section 267A and product certificates under section 272A
- makes scheme rules under section 272E.

The Chief Executive of MBIE also has the following powers under sections 267B, 267C, 267E, 272B, 272D of the Building Act:

- audit registered PCBs
- suspend or revoke the registration of a PCB or a product certificate if they no longer meet the criteria for registration or have failed to comply with any scheme rules
- suspend or revoke the registration of a product certificate if the responsible PCB or the proprietor of the building product or building method has failed to comply with any scheme rules.

ACCREDITATION BODY

A product certification accreditation body (the accreditation body) is appointed by the Chief Executive of MBIE and assesses a product certification body against the criteria and standards set out in the Regulations and scheme rules, to determine whether a certification body should be accredited to the CodeMark scheme.

The accreditation body:

- assesses, accredits, and monitors product certification bodies (including conducting audits)
- can suspend and revoke accreditation if required.

The current product certification accreditation body is the Joint Accreditation System of Australia and New Zealand (JASANZ).

The accreditation body conducts a surveillance audit of an accredited product certification body at least once every two years and a full technical reassessment audit at least once every five years (these requirements are specified in a New Zealand Gazette notice). The scheme rules also specify that if requested by the Chief Executive of MBIE, the accreditation body must conduct an audit on an accredited product certification body and investigate matters of concern or a complaint of which the Chief Executive of MBIE becomes aware. The accreditation body is also required to provide the Chief Executive of MBIE with a copy of each report prepared regarding its assessments, audits, and investigations of product certification bodies. It must also notify the Chief Executive of MBIE when it grants, suspends, lifts a suspension, or revokes accreditation of a product certification body.

WHAT THE LAW SAYS:

Section 263 of the Building Act specifies that the accreditation body may accredit a PCB if satisfied that they:

- can perform the functions of a registered PCB competently, impartially, consistently, transparently, and accountably; and
- have policies, procedures, and systems in place that—
- will result in them performing their functions described above
- comply with any requirements prescribed by the Regulations, and
- comply with the scheme rules.

Section 264 specifies that the accreditation body may suspend or revoke a PCB's accreditation if satisfied that they—

- no longer meet the criteria for accreditation in section 263; or
- have failed to comply with any product certification scheme rules.

Section 267 specifies that a product certification accreditation body must notify the Chief Executive of MBIE when it grants, suspends, lifts the suspension of, or revokes an accreditation of a product certification body. The notification must be given within seven days after the grant, suspension, lifting of suspension, or revocation to which it relates.

PRODUCT CERTIFICATION BODIES

Product certification bodies (PCBs) are responsible for certifying building products or building methods against the performance requirements of the Building Code and relevant scheme criteria.

Product certification bodies:

- evaluate and certify building products or building methods
- issue CodeMark product certificates
- monitor and audit certificate holders
- can suspend and revoke a CodeMark certification.

A product certification body must be accredited by the appointed accreditation body and registered with MBIE before they can certify building products or building methods under the scheme.

To certify a building product or building method, a product certification body will undertake a robust evaluation of the building product or method, which will include a risk assessment, assessment of the applicant's quality plan, and other processes, procedures and systems in accordance with the scheme rules and relevant requirements (eg the Building Act and associated regulations). Evaluation will also include a manufacturing site audit and installation inspections.

A registered product certification body must review each product certificate for which it is responsible for at least once every twelve months. Each annual review must take into account any matters specified in the relevant regulations and scheme rules.

Product certification bodies must also ensure a building product or building method will be produced consistently if they certify it. This may include assessing a sample or samples of the product as used or installed. It may also include manufacturing site and construction site visits.

WHAT THE LAW SAYS:

Section 269 of the Building Act specifies that a registered PCB must, on application, 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 made under section 402(1)(u)(i); and
- any product certification scheme rules made under section 272E(3) to supplement those regulations.

The product certificate must 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 specifies that a product certificate must contain all the information referred to in Schedule 2 of the Regulations.

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.

The information must—

- be written in plain English; and
- 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.

Product certificate template

The CodeMark scheme rules now require product certification bodies to use MBIE's certificate template. This new requirement, which was added to the scheme rules in mid-2023, ensures all CodeMark product certificates have a standardised format. This will help building consent authorities, builders, designers, and consumers to identify and understand CodeMark certificates.

For more information, see the *CodeMark product certificates* section.

WHAT THE CODEMARK SCHEME RULES SAY:

Scheme rule 3.3.1 (specifically subsections (a) and (e)) specifies that a product certification body must use MBIE's current product certificate template and must not change the structure and design of the certificate.

The template MBIE provides does not change the content or any of the requirements, as per Schedule 2 of the Regulations – it only changes the design of the certificate, to increase usability and account for the new mark of conformity.

Notifications

Registered product certification bodies must also:

- inform the accreditation body quarterly of the number and type of active CodeMark applications in its system, including the scope of these applications and anticipated audit and inspection timeframes
- inform the accreditation body of any product certificates it has become the responsible product certification body for during the quarter by conducting a review
- inform MBIE within five working days of any changes to the information supplied for registration (including the fit and proper person assessment)
- provide MBIE with all relevant information to assist with any audit of a product certification body's registration, or any decision whether to suspend or lift suspension if requested by the Chief Executive of MBIE
- provide MBIE, on request, with all relevant information to assist with any decision whether to suspend or to lift a suspension of registration of a product certificate.

For a list of the current CodeMark product certification bodies, see the [Building Performance website](#).

Certificate holders

Suppliers and manufacturers of building products who wish to obtain a CodeMark product certificate for their building product or building method, must apply for certification through an accredited and registered product certification body. If successful, the product certification body will issue a CodeMark product certificate. Once the certificate is registered by MBIE, building consent authorities must accept the certificate as establishing compliance with the Building Code, so long as the product is used in accordance with the scope and limitations defined on the certificate.

All provisions of the Building Code that are relevant to the intended use must also be met by an applicant. The building product or building method must be under the effective control of the person who is, or has applied to be, the certificate holder.

Applicants for CodeMark certification must:

- provide evidence that their building product or building method complies with clause B2 of the Building Code
- provide evidence that their building product or building method complies with provisions of clauses F1 to F9 of the Building Code that are relevant to the intended use of the building product or building method
- demonstrate that a quality plan exists for the building product or building method
- provide a sample or samples of the building product or building method if requested by the product certification body (if a tangible product).



WHAT THE LAW SAYS:

Regulation 12 specifies the criteria and standard for certification required by section 269(1)(a) of the Building Act. A building product or building method—

- must comply with clause B2 (durability) of the Building Code; and
- the provisions of clauses F1 to F9 (safety of users) of the Building Code that are relevant to the intended use of the building product or building method; and
- all other provisions of the Building Code that are relevant to the intended use; and
- must be under the effective control of the person who is, or has applied to be, the certificate holder in respect of the building product or building method; and
- who complies with Regulation 13 and, if applicable, Regulation 14.

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.

The quality plan must—

- specify the procedures to be followed in respect of the building product or building method and the resources to be applied; and
- specify the persons responsible for following those procedures and applying those resources; and
- be consistent with any product certification scheme rules, made under section 272E of the Building Act to supplement this regulation or regulation 12(1), that relate to the building product or building method.
- The applicant must provide an assurance that the building product or building method to be certified is in accordance with the quality plan.

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 registered PCB, submit with the application a sample or samples that are an accurate representation of the product.

Once a building product or building method has successfully passed evaluation, the responsible product certification body will issue a product certificate for that building product or building method, as well as arrange for the certificate to be sent to MBIE for assessment of registration. If approved and registered, MBIE will list the certificate on the [CodeMark register of current product certificates](#).

Post certification, CodeMark certificate holders have ongoing responsibilities to ensure the certified product continues to be manufactured to the same standards, levels, and quality as those against which it was evaluated, certified, and registered.

Certificate holders must:

- maintain the quality plan for the certified building product or building method.
- ensure the certified building product or building method continues to be manufactured or implemented in accordance with the quality plan and any conditions associated with the product certificate.
- ensure that the certified building product or building method is materially the same as any sample evaluated by the product certification body on application for certification.
- provide any information the product certification body needs when it reviews the product certificate
- notify the responsible product certification body of any changes to the certified product, its manufacture, quality plan, installation, maintenance, or activation of product recall procedure.
- follow Schedules 1 and 2: Use of the mark of conformity (CodeMark registered trademark).
- ensure the certified building product or building method is materially the same as any sample that was evaluated.

Notifications

Registered certificate holders must also:

- notify the product certification body in writing of any intended change to any of the following particulars:
 - (i) the name, address, or contact details of the certificate holder
 - (ii) any address of a location where a certified building product or building method is produced or manufactured.
- notify the product certification body in writing of any intended change, modification, or alteration to any of the following:
 - (i) the certified building product or building method
 - (ii) the method of its production or manufacture
 - (iii) the quality plan prepared in respect of the certified building product or building method
 - (iv) the application or installation instructions for the certified building product or building method
 - (v) any documentation relating to the use and maintenance of the certified building product or building method.

If the certificate holder has any reason to suspect that the certified building product or building method does not comply with the Building Code, the certificate holder must notify the product certification body in writing with the reason for that suspicion.

If the certificate holder or the product certification body finds that a certified building product or building method that has been released on the market does not comply with the Building Code, the certificate holder must disclose that fact in disclosure statements published in a form that is acceptable to the product certification body and to the Chief Executive of MBIE.

- Finally, if the certificate is suspended, the certificate holder—
 - (i) must inform any customers of the change in certification status; and
 - (ii) must immediately cease using the certificate, the mark of conformity, and any reference to the number of the certificate.

For more on certification and post-certification requirements, see the *How CodeMark works* section.

The CodeMark brand – mark of conformity

In the CodeMark scheme, the CodeMark brand is used as a **mark of conformity**. This means that the brand signifies that the building product or building method has a valid CodeMark product certificate. Certificate holders must ensure that the mark of conformity and the certificate number of the product certificate are applied to every certified building product or building method that is a tangible product, either directly on the building product or method or indirectly to the associated packaging or marketing material.

As CodeMark has scheme rules which specify requirements on how the CodeMark brand – the mark of conformity – must be used on certified products, new scheme rules mandating the use of the new CodeMark brand were added to the scheme rules as part of the annual review in May 2023. A transition period allows product certification bodies, certificate holders, manufacturers, and suppliers sufficient time to change over to the new CodeMark brand.



The image displays three logos side-by-side within a blue-bordered box. From left to right: 'CodeMark' in blue with three green chevrons to its right; 'MultiProof' in blue with a green chevron to its left; and 'BuiltReady' in purple with a green chevron to its left.

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

CODEMARK BRAND TRANSITION TIMELINE

Transition Phase	Start date	End date	Detail
Preparation	February 2023	End of April 2023	<p>This time period allows:</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 new 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>You may use the new brand on existing products already manufactured. You 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 impending scheme rules. For example, certificate holders will need to self-declare when their new product has the updated mark of conformity. They may need to clarify whether product with the old mark of conformity is still on the shelves.

If a certificate holder doesn't 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.

INFORMATION REQUIREMENTS

To align with the new building product information requirements, the CodeMark scheme now requires certificate holders to disclose guidance and other relevant material outlined in the “conditions and limitations of use” section of their product certificate.

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

Additionally, as CodeMark products and building methods must be installed exactly to what is outlined in the “conditions and limitations of use” section of the certificate, it is vital relevant parties (such as installers and building consent authorities) are able to easily access the material on how to achieve compliance.

The purpose of this rule is to make the information needed for use of this certificate available to those who need it – eg 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.

For more guidance and examples, see the [CodeMark technical scheme rules resource](#).

WHAT THE CODEMARK SCHEME RULES SAY:

New scheme rules for section 4.4 and 4.5 outline public disclosure around minimum guidance and relevant materials stated in the “conditions and limitations of use” section in the certificate.

- 4.4 A certificate holder must ensure the guidance and relevant materials stated in the “conditions and limitations of use” section of the certificate are accessible to the public either:
- (a) on the certificate holder’s website; or
 - (b) on request to the certificate holder, unless rule 4.5 applies.
- 4.5 A certificate holder may refuse a request for information under Rule 4.4(b) if:
- (a) the information is available on the certificate holder’s website; or
 - (b) the information is not available on the certificate holder’s website but the benefits of making available the information are outweighed by the detriment of releasing it. The reasons outlining the detriment in release must be communicated to the requester in a refusal letter.

BUILDING CONSENT AUTHORITIES

Building consent authorities are responsible for performing certain building control functions under the Building Act.

Building consent authorities:

- assess whether a building consent application complies with the Building Code
- inspect building work
- check that completed building work has been carried out in accordance with the building consent for that work
- issue building consents and code compliance certificates.

To issue a building consent, a building consent authority must accept evidence of compliance with the Building Code. A building consent authority must accept any or all of the following as establishing compliance with the Building Code:

- compliance with regulations referred to in [section 20 of the Building Act](#)
- compliance with an Acceptable Solution
- compliance with a Verification Method
- a determination by the Chief Executive of MBIE (eg where there may have been a dispute about building work)
- a current national multiple-use approval (MultiProof) issued under section 30F, if every relevant condition in that national multiple-use approval is met
- **registered product certificate (CodeMark) if every relevant condition in that product certificate is met**
- a current modular component manufacturer's certificate issued by a registered manufacturer certified to design and manufacture (BuiltReady)
- an energy works certificate issued under the regulations made under the *Electricity Act 1992* or the *Gas Act 1992* to show that that completed building work complies with the Building Code.

This means that building consent authorities must accept a CodeMark certificate as establishing compliance with the Building Code provided the certificate is current and registered and the building product or building method is used in accordance with the scope and limitations as defined on the certificate. It also means that a CodeMark product does not have to be re-evaluated for each building consent application whenever it is specified for use in building work.

For more information on how to use a CodeMark certificate during the building consent process, see the [compliance pathway](#) section for more detail.

WHAT DOES THE LAW SAY?

- Section 19 of the Building Act specifies that a building consent authority must accept any or all of the following as establishing compliance with the Building Code
- Sections 12 and 14 of the Building Act outlines the building control functions that building consent authorities are responsible for performing under the Building Act.

How does the CodeMark scheme work?

A CodeMark product certificate demonstrates that the building product or building method it relates to complies with certain requirements of the Building Code. Product certification by an independent product certification body is a demonstration that a building product or building method is reliable and compliant. Ongoing surveillance and monitoring by the responsible product certification body ensures that certificate holders continue to adhere to scheme requirements.

THE CERTIFICATION PROCESS

When considering an application for certification, a product certification body will examine the building product or building method, its uses and installation to determine a suitable evaluation plan and scope of certification. The product certification body will then undertake a rigorous evaluation of the product and the applicant's systems including:

- a risk assessment(s)
- review of the technical evidence regarding the product or method (eg a type test report)
- an evaluation of the quality plan for the product or method
- manufacturing audit
- installation inspection.

Evaluation is an iterative process which may involve updates to the risk assessments or the evaluation plan. For example, if the situation onsite does not reflect the documentation on which a product certification body based its initial risk assessments. After evaluation, the product certification body will prepare an evaluation report and confirm the risk assessment profile for the product or method.

ISO/IEC 17065

The CodeMark scheme rules specify that a product certification body must comply with all applicable requirements under ISO/IEC 17065:2013 (*Conformity assessment – requirements for bodies certifying products, processes and services*). ISO/IEC 17065 is a standard released by the International Organization for Standardization to provide a set of practices and standards that promote a high standard of competence for companies that certify products, services, or processes.

For example, 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. 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 Building Code requirements.

ISO/IEC 17065 clause 7.6 also requires that the certification decision itself is made by the product certification body and not by a sub-contractor for example, and the decision must be made by someone not involved in preparing or carrying out the evaluation plan. These requirements mean that key documentation prepared during the certification process has been peer-reviewed, ensuring that due diligence has been performed before a CodeMark product certificate is issued and signed by a representative of the product certification body.

Following the review of the evaluation report, a certification recommendation will be made, and if successful, a product certificate will be issued to the applicant. The following diagram outlines the evaluation and certification process:

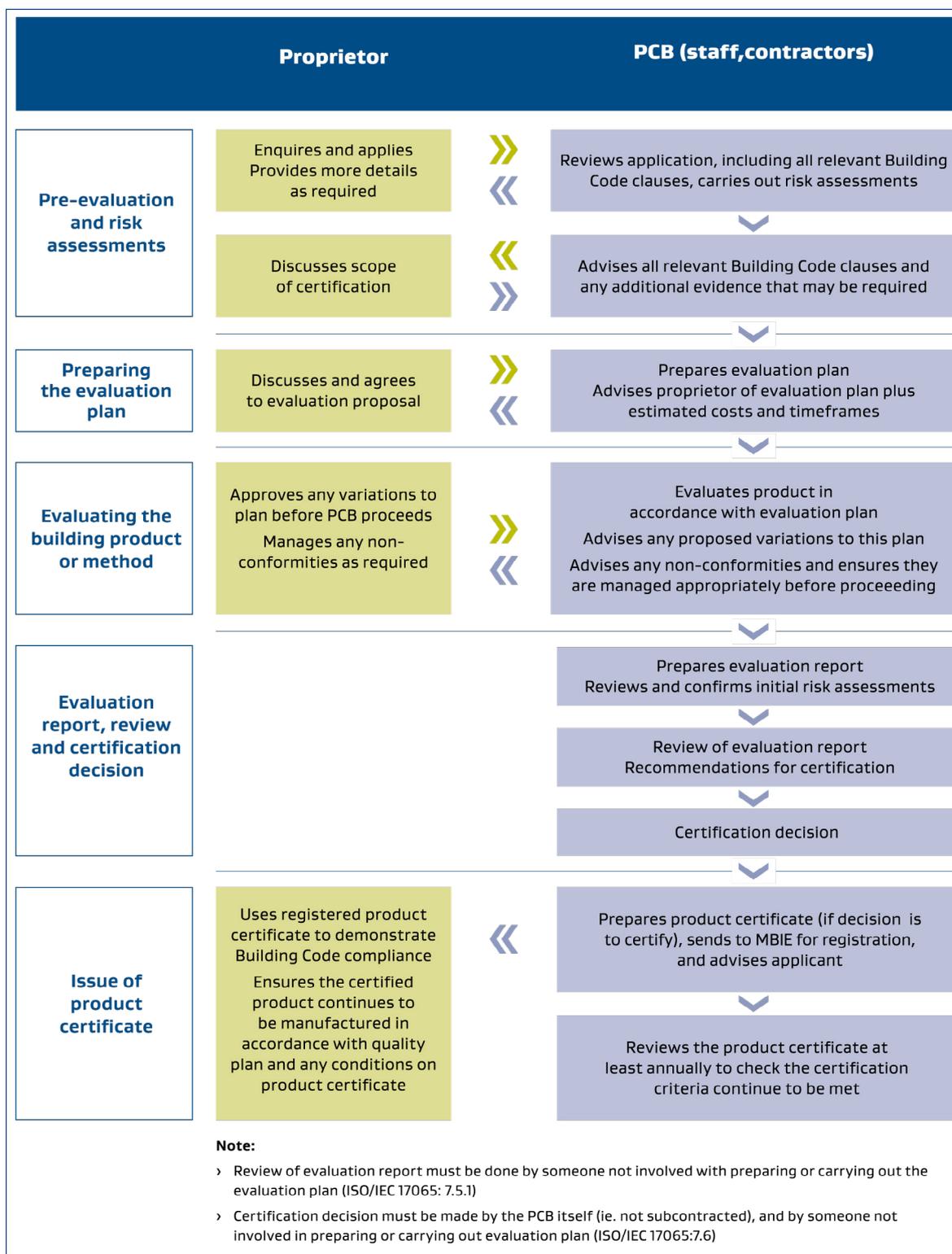


Figure 3: The product certification evaluation process

For more information on the certification process, please refer to the [CodeMark scheme rules Part 3: Product certification body requirements](#), which contains detailed requirements for product certification bodies when carrying out an evaluation of a building product or building method.

Post-certification

An important part of the CodeMark scheme is the ongoing monitoring and surveillance a product certification body is required to conduct on its certificate holders. This is to ensure that the certified building product or building method continues to meet the Building Code clauses outlined on certificate, and the conditions of certification.

There are two parts to the monitoring of a certificate holder by the responsible product certification body:

- ongoing surveillance based on risk profile of the building product or building method
- an annual review of the product certificate.

Site audits and inspections

The risk assessments conducted during the evaluation process will determine the initial frequency of ongoing surveillance, which could include manufacturing audits, installation inspections at a construction site or an installation demonstration. For example, the below tables (from the scheme rules) demonstrate the audit requirements based on the risk severity as it applies to the manufacture and installation of the building product or method:

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

Table 1: Requirements for installation inspections (building products and building methods)

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 2: Requirements for manufacturing site audits (building products)

Annual review of product certificate

Section 270 of the Building Act requires product certification bodies 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 if there are grounds to suspend or revoke the certificate. In conducting this audit, the product certification body must take into account any matters specified in the Regulations and the scheme rules.

WHAT THE LAW SAYS:

Under section 270(3) of the Building Act for an annual review of a product certificate, a registered PCB may review a product certificate for which it isn't the responsible PCB. This is if the proprietor of a building product or building method requests it.

WHAT THE LAW SAYS:

Section 270 of the Building Act specifies that a registered PCB must review each product certificate for which it is the responsible PCB at least once in every twelve months.

A PCB reviewing a certificate must do so by conducting an audit of the building product or building method to which the certificate relates to ascertain whether—

- it continues to comply with the criteria for certification under section 269; and
- there are grounds to suspend or revoke the certificate under section 271.

Regulation 16 specifies the matters a PCB must take into account when carrying out an audit for the purposes of reviewing a product certificate under section 270(1) or (3) of the Building Act. These matters include:

- any changes to the building product or building method; and
- any changes in the ownership or control of the manufacturer and/or proprietor of the building product or building method; and
- any changes in any technical documents that relate to the design, installation, use, or maintenance of the building product or building method that were relied on as part of the assessment for certification of the building product or building method under section 269 of the Building Act; and
- non-conformance with the product certification criteria; and
- non-conformance with the quality plan; and
- any complaints of which the PCB is aware in relation to the building product or building method; and
- any information that the PCB has that may adversely affect the continued reliability of any test reports or technical opinions that formed part of the assessment for certification; and
- any changes to Regulations 12 to 14 (which relate to the criteria and standards for certification) or to the provisions of the Building Code referred to in regulation 12(1); and
- any changes to the provisions of the Building Code that are referenced on the product certificate; and
- any changes to acceptable solutions, verification methods, any standard (within the meaning of section 4(1) of the Standards and Accreditation Act 2015), or other means of compliance that relate to the performance requirements of the Building Code and intended use of the building product or building method.

A certificate holder being audited must provide their product certification body with any information or matter that the product certification body requires for the purposes of an audit or penalties will apply.

WHAT THE LAW SAYS:

Section 270 of the Building Act specifies that the proprietor of the building product or building method being audited must provide the PCB with any information or matter that the PCB requires for the purposes of the audit.

A person who fails to comply with the above subsection—

- commits an offence; and
- is liable on conviction,—
 - in the case of an individual, to a fine not exceeding \$5,000;
 - in the case of a body corporate, to a fine not exceeding \$25,000.

Post-manufacture surveillance

A product certification body can also carry out post-manufacture surveillance of a certified building product. A post-manufacture inspection for example may include inspecting one or more samples of the certified building product from a distribution warehouse or a New Zealand wholesaler. A product certification body can also conduct further product testing if required to confirm the sample is materially the certified product.

A post-manufacture inspection may be triggered if a product certification body receives a relevant complaint or if the Chief Executive of MBIE or the accreditation body direct a product certification body 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.

Identification and correction of nonconformities

During an audit or inspection, a product certification body may identify a nonconformity, which is a finding of noncompliance with a specific certification requirement. 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 must be linked to the relevant provisions of the Building Code. If a product certification body identifies any nonconformities during an audit or inspection, they inform the certificate holder of the required actions, including time frame for correction based on the level of severity outlined in the table below.

Level	Description of nonconformity
Minor	The potential impact is not likely to compromise Building Code compliance (eg aspects of the quality plan are not being followed but because of other factors compliance is not compromised).
Major	The potential impact is likely to compromise Building Code compliance unless corrective action is taken promptly.
Critical	The potential impact requires immediate corrective action.

Table 3: Types of nonconformities identified during post-certification surveillance

- In the case of minor nonconformity, the product certification body must raise a Corrective Action Request (CAR) with respect to the nonconformity. The product certification body must agree to a suitable closeout date with the certificate holder which reflects the potential impact of the nonconformity and how easily it can be rectified. Closeout is normally at the next annual review.
- In the case of a major nonconformity, the product certification body must raise a CAR with respect to the nonconformity and set a closeout date that does not exceed seven days. A product certification body must not close out the CAR until the major nonconformity has been corrected and a product certification body has verified the corrective action.
- In the case of a critical nonconformity, further building products must not be produced or building methods implemented until the CAR is closed by the responsible product certification body. The product certification body will verify that the prescribed corrective action has occurred either by on site verification (eg a manufacturing site audit or installation inspection); verification by testing (for conformity failures); or examination of revised documentation (for deficiencies in procedures or instructions). If the CAR is not closed out by the agreed date, the product certification body must determine whether to suspend or revoke the product certificate.

When a certificate holder changes product certification bodies

If a certificate holder wishes to change to another product certification body, another product certification body may review that product certificate.

This type of review is intended to support the Regulations by making sure that if there is a change in product certification body, the review of the product certificate remains robust. For example, the scheme rules specify that if a product certification body is reviewing a product certificate, its review must include at least:

- an assessment of the product certificate for ongoing accuracy and completeness
- a review of the quality plan
- an assessment of the documented evidence upon which certification was issued including, but not limited to
 - for building products: test reports, audit reports, inspection reports, any outstanding nonconformities, manufacturer's product specification, and the declared intended use(s) of the product
 - for building methods: design reviews, audit reports, inspection reports, any outstanding nonconformities, building method specifications and manuals.

The scheme rules also specify that when the accreditation body conducts a surveillance audit of a product certification body, it must review any product certificates for which a product certification body has become responsible for since the previous surveillance audit by conducting a review.

WHAT THE LAW SAYS:

Section 270(3) of the Building Act specifies 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.

A PCB reviewing a certificate under subsection (3) must do so by conducting an audit of the building product or building method to which the certificate relates to ascertain whether—

- it continues to comply with the criteria for certification under section 269; and
- there are grounds to suspend or revoke the certificate under section 271.

In carrying out an audit, a registered PCB must—

- take into account any matters specified in the Regulations and any scheme rules; and
- comply with any other requirements prescribed by those Regulations and scheme rules, including as to when the audit is conducted.

Section 271 handles the suspension or revocation of a product certificate. It states:

271 Suspension or revocation of product certificate

- (1) *The responsible PCB for a product certificate may suspend or revoke the certificate if satisfied that—*
- (a) the certificate was obtained by fraud, misrepresentation, or concealment of facts; or*
 - (b) the building product or building method no longer meets the criteria for certification in [section 269](#); or*
 - (c) 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; or*
 - (d) the building code no longer applies to the building product or building method because of an amendment to the code; or*
 - (e) the proprietor of the building product or building method has failed to comply with any product certification scheme rules; or*
 - (f) the certificate has not been reviewed under [section 270](#) within the previous 12 months.*

The ongoing surveillance and monitoring requirements mean that building consent authorities, builders and other consumers can be confident that a certified product remains up to standard and compliant with the Building Code.

Registration

Both product certification bodies and CodeMark certificates must go through a registration process with MBIE. The registration function will provide building consent authorities and other scheme users with confidence that product certification bodies are suitable for the scheme, and MBIE is maintaining appropriate oversight of those issuing product certificates and the certificates themselves.

Only product certification bodies that have been registered by MBIE can issue CodeMark certificates. All CodeMark certificates issued by registered product certification bodies must be registered by MBIE to become valid.

Registration provides MBIE with oversight of scheme participants, and it ensures scheme participants meet (and continue to meet) appropriate standards and can fulfil the requirements of the scheme.

REGISTRATION FOR PRODUCT CERTIFICATION BODIES

The registration process for a product certification body includes a declaration regarding relevant conflicts of interest (including confirmation that the applicant has written procedures for transparently and appropriately managing any identified conflicts of interest) and a fit and proper person assessment.

Fit and proper person assessment

The fit and proper person assessment for a product certification body assesses the character and integrity, qualifications, professional conduct, and likely ability of the applicant to conduct business in a responsible and ethical manner. The assessment has also been designed to consider the history of the product certification body, as well as their conduct in the industry and in similar schemes.

The rationale behind this assessment is to assure both MBIE and consumers that product certification bodies who apply for registration in the CodeMark scheme are likely to conduct themselves in a trustworthy manner, and that they have a well-established reputation for doing so.

The fit and proper person assessment takes the following into consideration when assessing the suitability of product certification bodies (including their key people):

- civil proceedings history
- relevant offences/convictions history
- history in similar schemes
- professional history
- financial management history
- conflicts of interest
- any other relevant factors.

Audit of registered product certification bodies

MBIE has powers under the Building Act to audit a registered product certification body to determine if they continue to meet the criteria and standards for registration, and if there are any grounds to suspend or revoke registration. If such an audit is undertaken, it would be an addition to the audits conducted by the accreditation body on accredited product certification bodies.

The scheme rules specify a registered product certification body must inform MBIE in writing within five working days of any changes to the information provided with their registration application. A registered product certification body must also provide all relevant information requested by MBIE as soon as reasonably practicable to assist with:

- an audit of a product certification body under section 267B of the Building Act
- a decision whether to suspend or lift a suspension of registration of a product certification body
- a decision whether to suspend or to lift a suspension of registration of a product certificate.

WHAT THE LAW SAYS:

- Section 267A of the Building Act specifies that the Chief Executive can register a PCB if satisfied that they—
 - are an accredited PCB; and
 - meet any prescribed requirements to have adequate means to cover any civil liabilities that may arise in the performance of their functions under the Building Act; and
 - meet any other prescribed criteria and standards for registration.

Section 267B specifies that the Chief Executive may audit a registered PCB to ascertain whether—

- (1) they continue to meet the criteria for registration in section 267A; and there are grounds to suspend or revoke their registration under section 267C
- (2) any audit conducted under this section is in addition to audits required under section 262(1)(a).

Regulation 8 specifies that in order to meet the criteria and standards for registration required by section 267A(1)(c) of the Building Act, an accredited PCB must be a fit and proper person to be registered as a product certification body, by reference to the following attributes:

- their character and integrity
- their likely ability to maintain an appropriate degree of impartiality and independence in relation to their functions as a registered PCB
- their reputation for professional conduct
- their likely ability to conduct business in a responsible and ethical manner.

Regulation 17 and Schedule 3 Fees: Part 1 Product certification body outline the prescribed fees for registration of a PCB.

REGISTRATION OF CODEMARK CERTIFICATES

Once a building product or building method has been certified by a registered product certification body, the product certification body will issue a product certificate that then needs to be registered with MBIE. The responsible product certification body will send MBIE the certificate to be registered. If it is a new certificate, the certificate holder must pay the registration fee.

MBIE will not evaluate the building product or building method for compliance against the Building Code when registering CodeMark certificates, as this is the responsibility of the product certification body during the certification process. 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.

WHAT THE LAW SAYS:

Section 272A of the Building Act specifies that the Chief Executive must register a product certificate if satisfied that the certificate —

- is in the form (if any) approved by the Chief Executive; and
- includes the prescribed information (if any); and
- the proprietor of the building product or building method to which the certificate relates has paid the prescribed fee (if any).

As soon as practicable after receiving notice under section 272 of the issue of a product certificate, the Chief Executive must—

- decide whether to register the certificate; and
- notify the issuing registered PCB and the proprietor of the decision (including the reasons if the certificate is not registered).

Regulation 17 and Schedule 3 Fees: Part 2 Proprietor of building product or building method outline the prescribed fees for registration of a product certificate.

PRODUCT CERTIFICATE REGISTER

All building products and building methods with a registered CodeMark certificate are listed on the [product certificate register](#) on the Building Performance website.

The register allows a user to search for a building product or method by keyword or Building Code clause. Key information provided on the register includes:

- company name and address of certificate holder
- product description
- certificate number
- responsible product certification body (who issued the certificate)
- relevant Building Code clauses (eg B2 – Durability)
- PDF of the valid product certificate.

Only CodeMark certificates that have been registered by MBIE and that are currently listed on MBIE's public register are valid certificates. If a certificate is not on MBIE's register, it cannot be used as a deemed to comply pathway for that product through the building consent process.

CodeMark product certificates

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

- Section 269 of the Building Act requires the product certificate to state whether there are any matters that should be considered 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).

Scheme rule 3.3.1 also requires product certification bodies to use the MBIE template, which details the minimum information requirements for each section. There are thirteen sections on a product certificate template. All are mandatory unless marked as **optional**.



INFORMATION REQUIREMENTS: PAGE ONE OF CERTIFICATE



Certificate no: XX12345
Version: 01
Original issue date: DD Month YYYY
Version date: DD Month YYYY
Renewal date: DD Month YYYY

1. Certificate Holder Details

To insert logo:
Shape Format... Shape Fill... Picture

Enter here the Certificate Holder's Legal Name, Enter Trading or other name(s), Enter Address for service, Enter Email Address, Enter Phone Number(s), Enter URL

2. Product Certification Body

Enter here the Certification Body's Legal Name, Enter Trading or other name(s) in New Zealand, Enter Address for service in New Zealand, Enter New Zealand Email Address, Enter New Zealand Phone Number(s), Enter URL

Complaints: The complaints process for this certificate can be found here:
Enter URL

To insert signature:
Shape Format... Shape Fill... Picture

To insert logo:
Shape Format... Shape Fill... Picture

Product Certificate

Owner
Title of product

3. Description of Building Method or Product

Name of the product or method in New Zealand, including any brand names used. Description of what it is and the components that make up any system and its physical attributes including the materials and make-up of the product, where applicable.

Matters that should be taken into account in the use or application of the building method or product can be found in item 6. Conditions and Limitations of Use

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

4. Intended use of Building Method or Product

Intended use of the building method or product as described in the product manual and other instructional materials.

A statement of the function or purpose of the building method or product.

5. New Zealand Building Code Provisions

The performance clauses of the New Zealand Building Code that are relevant to the intended use and with which the building method or product complies or contributes to (where used as part of a system). e.g. Clause B2 – DURABILITY Performance B2.3.1

How the building method or product complies or contributes can be found in item 9. Basis for Certification.

Any qualifications on the extent of that compliance can be found in item 6. Conditions and limitations of use.

6. Conditions and Limitations of Use

The building method or product's use is to be in accordance with the installation instructions and requirements against which the building method or product was assessed.

Conditions or limitations of conformity for the performance requirements the building method or product is compliant with, including any requirements for people with the qualifications and skills to install or use the building method or product, any known or demonstrated situations where the building method or product should not be used. 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.

NOTE: Together, items 3,4,5 and 6 define scope of use

Reference Documents:

JAS-ANZ This certificate is issued by an independent certification body accredited by JAS-ANZ, the product certification body appointed by the Chief Executive of the Ministry of Business, Innovation and Employment under the Building Act 2004. This certificate may only be reproduced in its entirety. It is advised to check that this certificate is currently valid and not withdrawn or suspended by referring to the Register of Product Certificates on the Building Performance website: <http://www.building.govt.nz>

1 of XX

All sections of page one are mandatory:

Certificate number and version number: Each product certificate must have a unique certificate number. The scheme rules specify a standard format for the certificate number that will not alter while it remains with the issuing product certification body. If the certificate holder decides to move to another product certification body, that product certification body may issue a new unique number.

The Regulations require the product certificate to also include a version number. Product certification bodies can use their discretion when choosing a suitable format for doing this.

1 Certificate holder details (including internet site)

2 Product Certification Body details (including publicly available info for complaints process)

3 Summary of description of building product or method

This section must include the name of the product in Aotearoa New Zealand, including any brand names used, and a description of what it is and the components that make up any system and its physical attributes including the materials and make-up of the product, where applicable.

4 Summary of intended use of building product or building method

This section must describe the intended use of the building product or building method as described in the product manual and other instructional materials. It must also include a statement of the function or purpose of the building product or building method. Further detail on the intended use can be found in Section 10 (Supporting Information about Intended use of Building Product or Building Method) of the certificate.

5 Building Code Provisions

This section must detail the performance clauses of the Building Code that are relevant to the intended use and with which the building product and building method complies or contributes to (where used as part of a system). For example, Clause B2 – DURABILITY Performance B2.3.1. How the building product or building method complies or contributes can be found in Section 12 (Basis for Certification) of the certificate.

6 Conditions and Limitations of Use

This section must detail the conditions or limitations of conformity for the performance requirements the building product or building method is compliant with. This includes any requirements for people with the qualifications and skills to install or use the building product or building method, any known or demonstrated situations where the building product or building method should not be used.

NOTE: Together, sections 3, 4, 5 and 6 **define scope of use**.

INFORMATION REQUIREMENTS: PAGE TWO OF CERTIFICATE

CodeMark

Certificate no: XX12345
Version: 01
Original issue date: DD Month YYYY
Version date: DD Month YYYY

Product Certificate
Title of Product

To insert PCB logo:
Shape Format... Shape Fill... Picture

a)
NOTE: Together, items 3,4,5 and 6 define scope of use
Reference Documents:

7. Health and Safety Information
Health, safety, and well-being declarations associated with installation, maintenance, and use of the building method or product, and their specific editions and dates necessary to ensure the performance requirements of clauses F1 to F9 of the Building Code can be met.

8. Basis for Certification
How the performance requirements in the Building Code were met for each of the provisions. Where used as part of a system, the specific contribution to compliance.

9. Supporting Documentation for Certification
Reference to any acceptable solutions, verification methods, New Zealand Standards, or other compliance pathways referenced against each individual performance requirement the building method or product is compliant with, and their specific version and date.
Reference to documents describing tests and evaluations and any other documents relied on for certification or used to prove compliance, including their full title, specific version and date.

10. Supporting Information About Description (Optional)
Any supporting information for section 3.

11. Supporting Information About Intended Use (Optional)
Any supporting information for section 4.

12. Supporting Information About Conditions and Limitations of Use (Optional)
Any supporting information for section 6.

Signatures
If the signature does not fit on the first page in the column on the left please include the relevant signatures here:

JAS-ANZ This certificate is issued by an independent certification body accredited by JAS-ANZ, the product certification body appointed by the Chief Executive of the Ministry of Business, Innovation and Employment under the Building Act 2004. This certificate may only be reproduced in its entirety. It is advised to check that this certificate is currently valid and not withdrawn or suspended by referring to the Register of Product Certificates on the Building Performance website <http://www.building.govt.nz>

7 Health and Safety Information

This section can detail any health, safety, and well-being declarations associated with installation, maintenance, and use of the building product or building method, and their specific editions and dates necessary to ensure the performance requirements of clauses F1 to F9 of the Building Code can be met.

8 Basis for certification

This section details how the performance requirements in the Building Code were met for each of the provisions. Where used as part of a system, it must also detail the specific contribution to compliance. This section may reference comparisons to documents and standards such as Acceptable Solutions and Verification Methods.

9 Supporting documentation for certification

This section can include any reference to any Acceptable Solutions, Verification Methods, New Zealand Standards, or other compliance pathways referenced against each individual performance requirement the building product or building method is compliant with, and their specific version and date. This includes reference to documents describing tests and evaluations, and any reference to any other documents relied on for certification or used to prove compliance, including their full title, specific version, and date. These documents have been used to contribute to the certification and do not need to be provided for use of the certificate.

10 Supporting information about description (Optional)

This section can detail any of the information referred to in Section 3 that could not be easily summarised in the key information.

11 Supporting information about intended use (Optional)

This section can detail any of the information referred to in Section 4 that could not be easily summarised in the key information.

12 Supporting information about conditions and limitations of use (Optional)

This section can detail any of the information referred to in Section 6 that could not be easily summarised in the key information.

Issuing a building consent with a CodeMark certified building product or building method

Using a CodeMark-certified building product or building method does not eliminate the need for a building consent or building consent authority inspections during the building process.

To utilise the deemed to comply pathway, a CodeMark certificate must be included in a building consent application. It is the responsibility of the designer to ensure the design incorporates the CodeMark building product or building method in line with the scope and limitations of the certificate. The building consent authority also needs to be satisfied the conditions on the certificate for the CodeMark building product or building method have been met and its proposed use is within the scope of the certificate.

Processing a consent application

When the consent application has been received, the building consent authority must check the details of the CodeMark certificate on MBIE's register to ensure the certificate is current and registered.

If the certificate is current and registered, and the building product or building method is used in accordance with the scope and limitations as defined on the certificate, the building consent authority must accept the CodeMark certificate as evidence of compliance with the Building Code. This means they do not need to sight or assess any of the building product or building method's supporting evidence, such as test reports, calculations, and assessments, and must rely on the certificate itself as proof of compliance with the Building Code.

The building consent authority may want to sight the technical and installation information that is referenced on the certificate, and they can request further information on anything else that forms part of the consent application.

If the product is being used outside the scope of certificate, the building consent authority will be unable to rely solely on the product certificate and will likely need to see further evidence of compliance with the Building Code.

Building work begins

Once the consent has been issued, the approved building work can commence. The building consent authority will undertake relevant inspections as per the building consent and will need to ensure the CodeMark product is installed correctly. If a certificate specifies the product should be installed as per specific installation instructions, then the building consent authority checks that this is complete.

Code compliance certificate

A building consent authority must issue a code of compliance certificate (CCC) if satisfied on reasonable grounds that the building work complies with the consent. This does apply where a CodeMark certificate is relied on to establish compliance with the Building Code. The building consent authority is still required under that section to be satisfied, on reasonable grounds, that the building work complies with the building consent. In order to be satisfied, the building consent authority will need to have all relevant plans and specifications.

Once the building work is complete, standard documentation needs to be provided to the building consent authority for building work (eg producer statements, energy work certificates, plumbing test certificates) alongside the application for a code compliance certificate.

WHAT DOES THE LAW SAY:

Section 94(1)(a) of the Building Act specifies that a building consent authority must issue a code compliance certificate if it's satisfied on reasonable grounds that the building work complies with the building consent.

The CodeMark [step-by-step guide](#) on the Building Performance website provides an overview of the consent and compliance process.

BUILDING CONSENTS AND SUSPENDED CODEMARK CERTIFICATES

A product certification body can suspend or revoke a CodeMark certification for a number of reasons, including:

- if the building product or building method no longer meets the criteria for certification
- if the Building Code no longer applies to the building product or building method because of an amendment to the Code
- if the certificate holder has failed to comply with any of the scheme rules
- if the certificate has not been reviewed under section 270 within the previous 12 months.

If a CodeMark certificate is suspended, building consents and code compliance certificates that can be traced back to reliance on a suspended CodeMark certificate will likely be valid. However, building consent authorities will need to assess each affected building on a case-by-case basis and decide what, if any, further action should be taken.

Below are some guidance examples on how to deal with various situations where a suspended CodeMark certificate is involved:

<p>»» SITUATION A New building consent applications and building consents not yet granted:</p>	<p>Where a building consent application is received and accompanied by a suspended CodeMark certificate as evidence of compliance with the Building Code, the building owner should be advised that the CodeMark certificate is currently suspended and cannot currently be relied upon.</p> <p>The building owner will need to be directed to seek alternative evidence of compliance from the product manufacturer or supplier. This evidence will then need to be assessed following the building consent authority's usual processes.</p> <p>The suspension of a CodeMark certificate does not prohibit the use of the building product or building method. Building consent authorities can still decide to issue a building consent involving the use of these products or methods if they are satisfied on reasonable grounds that the provisions of the Building Code would be met if the product is used in the manner proposed in the application.</p>
<p>»» SITUATION B Building consents that have been issued, where building work is yet to be commenced, and where reliance was placed on a now suspended CodeMark certificate:</p>	<p>Reliance on a CodeMark certificate that has since been suspended after issuing a building consent will not affect the validity of that consent as it was valid at the time the consent was issued. If building work has not yet commenced, the building consent authority may choose to contact the building owner to inform them of the suspension of the affected CodeMark certificate, however this is not a requirement. As a result of this information, some owners may consider changing the affected product for another product and apply for an amendment to building consent to reflect that change. Building consent authorities should assess the amendment under the normal section 49 ("reasonable grounds") process.</p>
<p>»» SITUATION C Building consents that have been issued, where building work is underway, and where reliance was placed on a now suspended CodeMark certificate:</p>	<p>As per Situation B, some owners might consider applying for an amendment to change how an affected building product or building method is used.</p> <p>If the building consent authority does not consider a dangerous building assessment necessary, then a code compliance certificate (CCC) should be issued, provided all buildingwork complies with the consent.</p>
<p>»» SITUATION D A CCC has been issued where reliance was placed on a now suspended CodeMark certificate:</p>	<p>In these situations, the code compliance certificate (CCC) will remain valid. Building consent authorities should follow the dangerous building process if they have concerns about the safety of particular buildings.</p>

The below table summarises the various options and tools available.

Summary of options

Situation Option	BCA to assess whether consent should be granted on the basis of section 49 "reasonable grounds"	Owner/Agent applies for an amendment to building consent under section 45(4)	BCA to decide whether a dangerous building assessment is (or would be) required
»» SITUATION A New applications and consents not yet granted	X		
»» SITUATION B Consent granted; construction not started		X	
»» SITUATION C Consent granted; construction underway		X	X
»» SITUATION D Consent granted, construction completed and CCC issued			X

If building consent authorities have concerns that cannot be resolved through other methods (such as dialogue with the building owner), they also have the option of seeking a determination. If pursuing this option, building consent authorities should provide an assessment of the building's performance against the relevant requirements of the Building Code as part of the application for determination.

For more information about Determinations, visit the [Building Performance website](#).

Non-compliance

There are a range of actions that may be undertaken where a product certification body fails to comply with the accreditation or registration requirements, or where a certificate holder fails to comply with the certification or registration requirements set out in the Building Act, Regulations, or scheme rules.

PRODUCT CERTIFICATION BODIES – SUSPENSION OR REVOCATION OF ACCREDITATION OR REGISTRATION

The accreditation body must notify the Chief Executive of MBIE when it grants, suspends, lifts the suspension of, or revokes a product certification body's accreditation. The notification must be given within seven days after the grant, suspension, lifting of suspension, or revocation to which it relates.

However, if the Regulations (in the case of registration or accreditation) or scheme rules (in the case of accreditation) are amended, and a product certification body ceases to meet the accreditation or registration criteria solely as a result of those amendments, then accreditation or registration cannot be suspended or revoked until three months after the amendments come into force.

The suspension period must also allow a product certification body reasonable time to meet the accreditation or registration criteria or rectify their failure to do so. In the case of suspension of accreditation of a product certification body, the accreditation body must lift the suspension if satisfied that the product certification body again meets those criteria or have rectified the initial failure.

In the case of registration, the Chief Executive of MBIE may lift the suspension of a product certification body's registration if satisfied that they again meet those criteria or have rectified the failure.

Registration is automatically revoked if:

- their accreditation is revoked, or
- their registration is suspended, and the suspension is not lifted within 12 months after it was imposed (although if an application is made during that time to lift suspension and the application has not been decided within this time, the 12-month deadline is extended until the application is decided).

These are further outlined in sections 267A to 267E of the [Building Act](#).

DISCIPLINARY AND INVESTIGATIVE POWERS OF MBIE

Any person who believes there are grounds for disciplinary action against a registered product certification body may lodge a complaint with the Chief Executive of MBIE, who must decide whether to accept the complaint and take further action.

If the Chief Executive of MBIE is satisfied after an investigation that there are grounds for disciplinary action, the Building Act outlines several potential courses of action including issuing a warning, requiring remedial action, limiting the functions that the product certification body can perform, or suspending the registration of the product certification body and the manufacturers it has certified.

WHAT THE LAW SAYS:

Section 201 of the Building Act specifies that in the case of a registered PCB, there are grounds for disciplinary action if it has:

- failed to comply with any scheme rules
- been negligent or failed without good reason to perform its obligations under the Act.

Section 202 specifies that a person who believes that there are grounds for disciplinary action against a disciplinable entity may lodge a complaint with the Chief Executive.

Section 203C specifies that if satisfied that there are grounds for disciplinary action, the Chief Executive may do one or more of the following:

- issue a warning to the respondent
- require the respondent to take specified remedial action
- impose limits on the functions that the respondent may perform under this Act.

If the grounds for the disciplinary action are that the PCB has failed to comply with scheme rules (201(c)), then either or both of the following:

- under section 267C(2)(b), suspend their registration
- under section 272B(2)(a), suspend the registration of any product certificate for whom the PCB is responsible.

CERTIFICATE HOLDERS – SUSPENSION OR REVOCATION OF PRODUCT CERTIFICATE OR REGISTRATION

The responsible product certification body has the power to suspend or revoke a product certificate if satisfied that:

- the certificate was obtained by fraud, misrepresentation, or concealment of facts; or
- the building product or building method no longer meets the criteria for certification in section 269 of the Building Act; or
- 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; or
- the Building Code no longer applies to the building product or building method because of an amendment to the Code; or
- the proprietor of the building product or building method has failed to comply with any product certification scheme rules; or
- the certificate has not been reviewed under section 270 of the Building Act within the previous 12 months (this clause does not apply if the certificate has been in force for less than 12 months).

However, if regulations made for the purposes of section 269 of the Building Act or any CodeMark scheme rules that supplement those regulations are amended, and a building product or building method ceases to meet the criteria in that section solely as a result of those amendments, then the responsible product certification body cannot suspend or revoke the certificate unless three months have elapsed since those amendments came into force.

The suspension period must also allow the certificate holder reasonable time to meet the certification or registration criteria or rectify their failure to do so.

The responsible product certification body must lift the suspension of a certificate if satisfied that the building product or building method again meets those criteria or the certificate has been reviewed.

In the case of registration, the Chief Executive of MBIE may lift the suspension if satisfied that the building product or building method again meets those criteria or the certificate holder has rectified the failure.

Registration is automatically revoked if:

- the certificate is revoked under section 271 of the Building Act or
- their registration is suspended, and the suspension is not lifted before the end of the suspension period.

Penalties for misrepresentation

WHAT THE LAW SAYS:

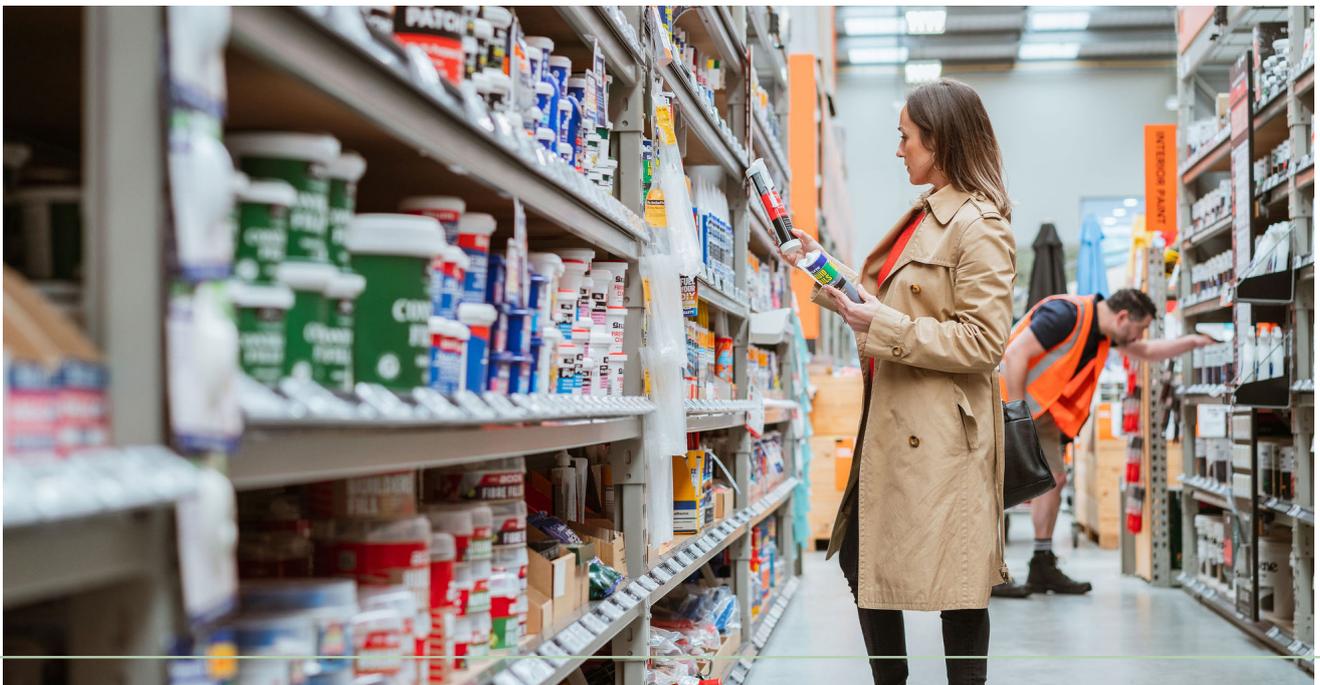
Section 272G of the Building Act specifies that it is an offence to misrepresent status as product certification body:

A person who is not a registered PCB must not perform any of the functions of a registered PCB.

A person who fails to comply with subsection (1)—

- commits an offence; and
- is liable on conviction,—

in the case of an individual, to a fine not exceeding \$300,000:



WHAT THE LAW SAYS:

Regulation 16(3) specifies that if a PCB becomes aware of matters that suggest there may be grounds to suspend or revoke the product certificate under [section 271](#) of the Building Act, they must take the following factors into account. 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
- the 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.

in the case of a body corporate, to a fine not exceeding \$1,500,000.

A person must not, in any other way, represent themselves as being any of the following if that is not the case:

- an accredited PCB;
- a registered PCB;
- authorised to issue product certificates.

A person who fails to comply with subsection (3)—

- commits an offence; and
- is liable on conviction,—

in the case of an individual, to a fine not exceeding \$50,000:

in the case of a body corporate, to a fine not exceeding \$150,000.

Section 272H specifies that it is an offence to misrepresent a product certificate:

A person must not represent something as any of the following if that is not the case:

- having a current product certificate
- having a registered product certificate
- having been evaluated and certified under the product certification scheme under this subpart.

A person who fails to comply with subsection (1)—

- commits an offence; and
- is liable on conviction,—

in the case of an individual, to a fine not exceeding \$300,000:

in the case of a body corporate, to a fine not exceeding \$1,500,000.

Complaints

Concerns about a building product or building method with a CodeMark certificate should, in the first instance, be brought to the attention of the responsible product certification body. Product certificates are the property of the product certification body that issued the certificate, and it is only the product certification body that can make any alterations or corrections to the certificate. Therefore, if there are any concerns about the contents of the certificate, the appropriate response is to deal directly with the responsible product certification body, which will investigate and discuss with the certificate holder as required. Contact details for the certificate holder and the product certification body can be obtained from the certificate itself.

If a complainant is not satisfied with the outcome of a product certification body's investigation, the complaint can be referred to the scheme's accreditation body, which is JASANZ (the Joint Accreditation System of Australia and New Zealand).

MBIE's role is to monitor the performance of the accreditation body. Complaints should generally only be referred to MBIE if the accreditation body appears to be failing to fulfil its obligations.

Complaints relating to the registration of a product certification body or the registration of a CodeMark certificate can also be directed to MBIE for investigation.



CONTACT EMAIL FOR MBIE:
CODEMARK@MBIE.GOV.T.NZ



Appendix 1: Glossary

Term	Definition and explanation
Acceptable Solution	Has the definition in section 7 of the Building Act: an acceptable solution issued under section 22(1).
Accreditation body	A person appointed by the Chief Executive of MBIE under section 261 of the Building Act to assess and accredit product certification bodies under the CodeMark scheme.
Accredited product certification body	Has the definition in section 7 of the Building Act: a person who has been accredited as a product certification body under section 263 and whose accreditation is not suspended and has not been revoked.
Appraisals	A technical opinion of a building product or building method's fitness for purpose.
Audit	An audit for the purposes of section 267B of the Building Act.
Building Act	<i>The Building Act 2004 as amended by the Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021.</i>
Building Code	The New Zealand Building Code, which is in Schedule 1 of the Building Regulations 1992, made under section 400 of the Act.
Building consent authority (BCA)	Has the meaning given to it in section 7 of the Building Act: a person whose name is entered in the register referred to in section 273(1)(a).
Building method	Has the definition contained in section 9B of the Building Act.
Building product	Has the definition contained in section 9A of the Building Act.
Certificate holder	Has the definition corresponding with that given in section 272E(5)(e) of the Building Act: the proprietor of a building product or building method that has a current product certificate (whether registered or not).
Chief Executive	The Chief Executive of the Ministry of Business, Innovation and Employment.
CodeMark brand	Also known as the mark of conformity, the CodeMark brand can be used in marketing or advertising but only in relation to the certified building product or building method.
CodeMark scheme	The CodeMark scheme in New Zealand for certifying building products and building methods.
Corrective Action Request (CAR)	In the event of nonconformities during certification, a product certification body will issue a Corrective Action Request to remedy it.
Conditions and limitations of use	The section of the CodeMark certificate that must detail the conditions or limitations of conformity for the performance requirements the building method or building product is compliant with.
Deemed to comply	A compliance pathway that building consent authorities must accept as establishing compliance with the Building Code if the design follows the pathway exactly.
ISO	International Organization for Standardization.
Licensed Building Practitioner	Has the definition in section 7 of the Building Act: a building practitioner whose name is, for the time being, entered in the register established and maintained under section 298(1).
Mark of conformity	A symbol that signifies that the building product or building method has a registered product certificate.
Nonconformity	Finding that demonstrates an instance of non-fulfilment of specified requirements. Non-conformities can be minor, major or critical.
Product certificate	Has the definition in section 7 of the Building Act: a certificate issued under section 269 of the Building Act in relation to a building product or building method.

Term	Definition and explanation
Product certification body	See accredited product certification body.
Product certificate register	Where MBIE publishes registered and current versions of CodeMark product certificates.
Quality plan	Has the meaning defined in regulation 3 of the Regulations: means the quality plan submitted under regulation 13 in relation to a building product or building method.
Regulations	<i>Building (Product Certification) Regulations 2022.</i>
Registration	<p>After the accreditation of a product certification body, MBIE may register the product certification body as per 267A of the Building Act. MBIE also must register the product certificate if it meets the criteria outlined in 272A of the Building Act.</p> <p>The criteria and standards for registration are found in regulation 8 of the Regulations; the criteria for fees about registering product certificates are found in Schedule 3: Fees (Part 2: Proprietor of a building product or method).</p>
Responsible product certification body	Has the definition in section 7 of the Building Act: the registered product certification body that issued the certificate, or the registered product certification body who conducted the most recent review under section 270.
Scheme rules	Secondary legislation for the CodeMark scheme in New Zealand.
Scheme parties	The organisations involved in the CodeMark scheme. This includes MBIE, the accreditation body, product certification bodies, and certificate holders.
Surveillance	Set of activities to monitor the continued fulfilment of either accreditation or certification criteria. Surveillance includes both on-site and remote monitoring and other surveillance activities.
Type test	Testing of a building product or building method to establish the basis for certification; ie conformity with the applicable Building Code requirements for its intended use(s).
Verification method	Has the definition in section 7 of the Building Act: a verification method issued under section 22(1).

Appendix 2: CodeMark scheme framework

Appendix 2 provides more detail of the legislative framework for the CodeMark scheme. It lists sections of the Building Act relating to CodeMark accreditation, certification and registration, alongside the relevant Regulations.

Building Act 2004		Building (Product Certification) Regulations 2022
Accreditation of product certification bodies (PCBs)		
261	Appointment of product certification accreditation body	
263	Accreditation of product certification body	Regulations 5-7: Criteria and standards for accreditation as a certification body Schedule 3: Fees (Part 1(1) to Part 1(3))
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	
Registration of product certification bodies		
267A	Registration of product certification body	Regulations 8-11: Criteria and standards for registration of product certification body Schedule 3: Fees (Part 1(4): Application for registration as product certification body)
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	
Also see:		
200-203C	Disciplinary powers in relation to complaints	
204	Special powers of Chief Executive for monitoring performance of functions under this Act	
208	Appeals to District Court	
272G	Offence to misrepresent status as product certificate body	

Building Act 2004		Building (Product Certification) Regulations 2022
Certification of building product or methods		
269	Product certificate	Regulations 12-14: Criteria and standards for certification of building products and building methods
270	Annual review of product certificate	Regulations 15-16: Content and annual review of product certificates
271	Suspension or revocation of product certificate	Regulation 16(3): During the course of an audit, there may be grounds to suspend or revoke the product certificate
272	Notification to Chief Executive by registered PCB	
Also see:		
208	Appeals to District Court	
272H	Offence to misrepresent product certificate	
Registration of product certificates		
272A	Registration of product certificates	Schedule 3: Fees (Part 2: Proprietor of a building product or method)
272B	Suspension of registration of product certificate	
272C	Lifting of suspension of registration of product certificate	
272D	Revocation of registration of product certificate	
Also see:		
208	Appeals to District Court	
272H	Offence to misrepresent product certificate	

Appendix 3: Content of product certificates

In accordance with section 15 and Schedule 2 of the Regulations, a CodeMark product certificate must include the following information.

[Building \(Product Certification\) Regulations 2022](#)

[Section 15 – Content and annual review of product certificates](#)

[Schedule 2 – Content of product certificates](#)

BUILDING (PRODUCT CERTIFICATION) REGULATIONS 2022

Content and annual review of product certificates

15 CONTENT OF PRODUCT CERTIFICATES

- (1) For the purposes of section 272A(1)(a)(ii) of the Act, a product certificate must include all the information referred to in [Schedule 2](#).
- (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
New Zealand Government