

**BUILDING
PERFORMANCE**

CodeMark 

CodeMark Scheme Rules 2023-1

MAY 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 Scheme Rules document is produced by the Building System Performance branch. This document may be updated from time to time and the latest version is available from MBIE's website at www.building.govt.nz

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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More information

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CodeMark Scheme Rules 2023-1

These product certification scheme rules are made by the Chief Executive of the Ministry of Business, Innovation and Employment under section 272E of the Building Act 2004.

8 May 2023

Date



Signed by Paul Stocks acting under delegated authority of the Chief Executive

Preface

Preface

This document contains the rules for the CodeMark scheme, which is a voluntary product certification scheme established under the *Building Act 2004* (the Act) and the *Building (Product Certification) Regulations 2022* (the Regulations).

The CodeMark scheme provides an easily understood and robust way to show that a building product or building method meets the requirements of the New Zealand Building Code. CodeMark certified products must be accepted by building consent authorities as compliant with the Building Code when used in accordance with any limitations on the product certificate.

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 new to the market or would have serious consequences if they failed. CodeMark also has marketing advantages for manufacturers and suppliers as they can use the CodeMark mark of conformity (a registered trade mark) in advertising, and all certified products are listed on a public register maintained by the Ministry of Business, Innovation and Employment (MBIE).

While the CodeMark scheme has already been operating in Aotearoa New Zealand for over a decade, it has been substantially revised as part of a wider building reform programme developed by MBIE to improve the overall efficiency and quality of building work. Changes to the Act and Regulations, which took effect from September 2022, and associated revisions to these scheme rules allow for stronger oversight by MBIE as scheme owner, including through new registration requirements for product certification bodies and product certificates. Overall, these changes are intended to improve confidence in the CodeMark scheme and lift the quality of product certificates to support more efficient consenting, while still enabling product innovation.

Document status

The scheme rules in this document have been made by the Chief Executive of MBIE and take effect from 8 May 2023.

Document history		
Status	Commencement date	Alterations
Version 2022-1	7 September 2022	–
Version 2023-1	8 May 2023	Addition of Schedule 2; addition of certificate holder's obligation to pay fees; addition of new requirement for PCBS to use MBIE's new certificate.

Please check for any updates to the scheme rules on MBIE's website at www.building.govt.nz

Contact us

For further information about the CodeMark scheme, including details of registered product certificates and registered product certification bodies, visit MBIE's website at www.building.govt.nz or contact us at the address below. Please note that any complaints from certificate holders about certification will be directed to the responsible product certification body in the first instance.

Contact email:

CodeMark@mbie.govt.nz

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Introduction

Introduction

Objective and scope

The objective of the CodeMark scheme in Aotearoa New Zealand is to provide confidence to regulatory authorities and the market regarding the conformity of certified building products and building methods with the requirements of the Building Code, as well as confidence in the accuracy and comprehensiveness of product certificates.

The CodeMark scheme is open to building products and building methods that are consistently manufactured and are intended for use in New Zealand.

The CodeMark scheme rules (the scheme rules) apply to the scheme parties as identified in section 272E of the Building Act 2004 (the Act), which are:

- (a) the product certification accreditation body (the accreditation body), which is appointed by MBIE under section 261 of the Act and is responsible for accrediting product certification bodies (PCBs) to the CodeMark scheme
- (b) all accredited and/or registered PCBs, which are third-party organisations responsible for evaluating building products and building methods for certification, and
- (c) all proprietors of building products and building methods that have current product certificates, whether or not these certificates are registered with MBIE.

The scheme rules will also be of interest to manufacturers and suppliers interested in achieving CodeMark certification as well as to building consent authorities, designers, builders, and other users of certified products.

The scheme rules are secondary legislation

The scheme rules are secondary legislation for the purposes of the *Legislation Act 2019*. They form part of a broader system for managing product certification in New Zealand (refer to Figure 1 and Appendix 1) which has specific requirements contained in:

- (a) the Act
- (b) Building (Product Certification) Regulations 2022 (the Regulations)
- (c) any other regulations and other statutory instruments (including any notice required to be published in the *New Zealand Gazette*) made under the Act, as amended from time to time
- (d) the scheme rules, and
- (e) any national/international Standards or other documents included by reference in the Regulations or the scheme rules.

MBIE is responsible for the management and oversight of the CodeMark scheme. MBIE's responsibilities include publishing and maintaining the scheme rules, registering PCBs and product certificates, and providing public registers of:

- (a) all registered PCBs, plus details of anyone whose registration as a PCB has been suspended and
- (b) all registered product certificates.

Both registers can be found at:

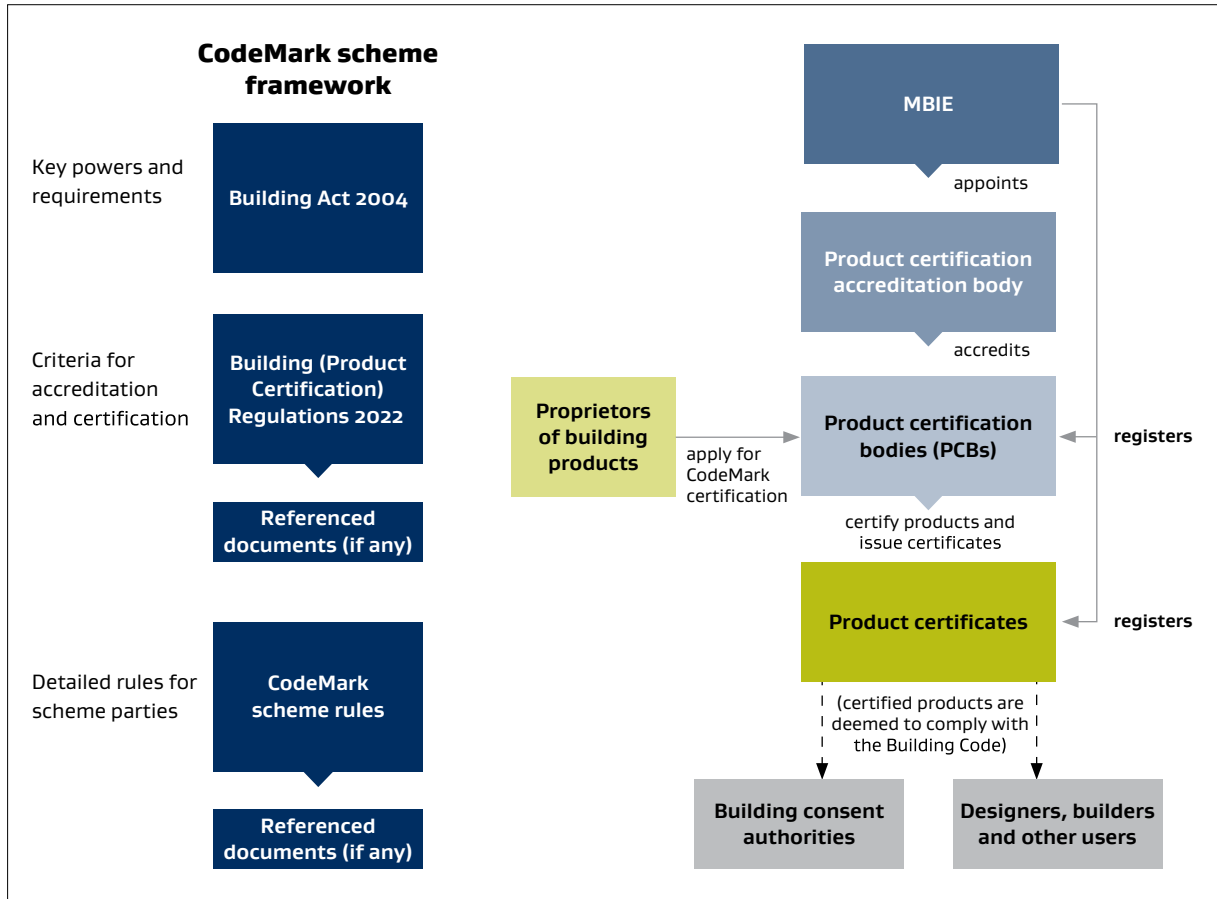
www.building.govt.nz/building-code-compliance/product-assurance-and-certification-schemes/codemark/.

MBIE is also responsible, alongside the appointed accreditation body and registered PCBs, for investigating complaints that relate to the CodeMark scheme.

If a certificate holder fails to comply with these CodeMark scheme rules, then the responsible PCB or the Chief Executive of MBIE can suspend or revoke their CodeMark certificate.

MBIE has established a complaints process in collaboration with the accreditation body and the PCBs. To find out more about making a complaint about the CodeMark scheme or any relevant bodies, please see here: www.building.govt.nz/building-code-compliance/product-assurance-and-certification-schemes/codemark/codemark-complaints/

Figure 1: The system for managing product certification



Preliminary provisions

Part 1: Preliminary provisions

1.0 Commencement

1.0.1 These product certification scheme rules come into force on 7 September 2022.

1.1 Referenced documents

1.1.1 The international Standards and any other documents referred to in the scheme rules are the editions, along with their specific amendments (if any), listed below.

Referenced document

International Standards

ISO/IEC 17025:2018 General requirements for the competence of testing and calibration laboratories

ISO/IEC 17065:2013 Conformity assessment – requirements for bodies certifying products, processes and services

New Zealand legislation

Building Act 2004

Building (Product Certification) Regulations 2022

Schedule 1 The Building Code, *Building Regulations 1992*

1.2 Interpretation

1.2.1 Schedule 1 is operative and forms part of the scheme rules, while Appendix 1 is provided for information and guidance only.

1.2.2 Any text in shaded boxes at the start of a Part or Schedule 1, and any text in shaded boxes under a rule and headed 'Guidance', does not form part of the scheme rules but is provided for information only.

1.2.3 Unless otherwise noted, references to sections are to sections of the Building Act 2004 and references to the Regulations are to the Building (Product Certification) Regulations 2022.

1.2.4 Terms used in the scheme rules have the meanings ascribed to them below unless the context requires otherwise.

Definitions and abbreviations	Meaning
Acceptable Solution	<p>Has the meaning given to it in section 7 of the Act:</p> <p>Acceptable solution means an acceptable solution issued under section 22(1)</p> <p>GUIDANCE</p> <p>Acceptable solutions and verification methods are produced by MBIE and, if followed, must be accepted by a building consent authority as evidence of compliance with the Building Code.</p>
Accreditation body	See product certification accreditation body.

Accredited PCB	<p>Has the meaning given to it in section 7 of the Act:</p> <p>accredited PCB means 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</p> <p>In these scheme rules, refers to a PCB accredited to ISO/IEC 17065 with the CodeMark scheme within its technical scope.</p>
Act	Building Act 2004.
Building Code	The New Zealand Building Code, which is Schedule 1 of the Building Regulations 1992.
Building Consent Authority (BCA)	Has the meaning given to it in section 7 of the Act.
Building method	<p>Has the meaning given to it in section 9B of the Act:</p> <p>(1) <i>In this Act, building method means a method:</i></p> <p>(a) <i>for using 1 or more products or things as part of building work; or</i></p> <p>(b) <i>for carrying out building work that is declared by the Governor-General by Order in Council to be a building method.</i></p> <p>(2) <i>However, a method that would otherwise be a building method under subsection (1)(a) is not a building method if it is declared by the Governor-General by Order in Council not to be a building method.</i></p> <p>(3) <i>An Order in Council made under this section is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).</i></p>

Building product	<p>Has the meaning given to it in section 9A of the Act:</p> <p>(1) <i>In this Act, building product means a product that:</i></p> <p>(a) <i>could reasonably be expected to be used as a component of a building; or</i></p> <p>(b) <i>is declared by the Governor-General by Order in Council to be a building product.</i></p> <p>(2) <i>However, a product that would otherwise be a building product under subsection (1)(a) is not a building product if it is declared by the Governor-General by Order in Council not to be a building product.</i></p> <p>(3) <i>In determining whether something could reasonably be expected to be used as a component of a building, the following are relevant considerations:</i></p> <p>(a) <i>the purposes for which the thing is ordinarily used;</i></p> <p>(b) <i>purposes for which the manufacturer or supplier intends the thing to be used;</i></p> <p>(c) <i>the purposes for which the thing is represented as being used for;</i></p> <p>(d) <i>the purposes for which the thing is likely to be used (because of the way in which it is presented or for any other reason).</i></p> <p>(4) <i>The matters listed in subsection (3) are relevant, but not determinative, considerations and do not limit what may be considered.</i></p> <p>(5) <i>An Order in Council made under this section is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).</i></p>
CAR	Corrective Action Request.
Certificate	See product certificate.
Certificate holder	Has the meaning given to it in section 272E(5)(e) of the Act: <i>the proprietor of a building product or building method that has a current product certificate (whether registered or not).</i>
Chief Executive	The Chief Executive of the Ministry of Business, Innovation and Employment.
Code	See Building Code.
CodeMark scheme	The CodeMark scheme in New Zealand for certifying building products and building methods.
Critical component	Any component of a product where a PCB has low confidence in the component's contribution to meet Building Code compliance; ie a PCB is likely to require a greater level of assurance to ensure controls are in place to reduce the likelihood of the component compromising the product's compliance with the Building Code.
Critical nonconformity	See nonconformity.

Evaluation plan	Has the meaning given to it in Regulation 6(4) of the Regulations: evaluation plan , In relation to a building product or building method, means a plan that sets out: (a) what is to be certified (including scope and limitations of use); and (b) the means by which it will be demonstrated that the building product or building method meets the product certification criteria; and (c) the timing and method of the audits and inspections to be carried out to ensure that the building product or building method continues to meet the product certification criteria.
IEC	International Electrotechnical Commission.
Intended use	Has the meaning given to it in section 7 of the Act: intended use , in relation to a building,: (a) includes any or all of the following: i) any reasonably foreseeable occasional use that is not incompatible with the intended use: ii) normal maintenance: iii) activities undertaken in response to fire or any other reasonably foreseeable emergency; but (b) does not include any other maintenance and repairs or rebuilding
ISO	International Organization for Standardization.
Major nonconformity	See nonconformity.
Mark of conformity	A symbol that signifies that the building product has a registered product certificate. In these scheme rules, refers to the CodeMark mark of conformity which is associated with the CodeMark scheme in New Zealand and is a registered trade mark under the Trade Marks Act 2002.
Minor nonconformity	See nonconformity.
MBIE	Ministry of Business, Innovation and Employment.

Nonconformity	<p>Finding that demonstrates an instance of non-fulfilment of specified requirements. Nonconformities can be minor, major or critical:</p> <p>Minor nonconformity: 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).</p> <p>Major nonconformity: the potential impact is likely to compromise Building Code compliance if no remedial action is taken to correct it within a specified period.</p> <p>Critical nonconformity: the potential impact is considered to compromise Building Code compliance.</p>
PCB	See product certification body.
Person	<p>Has the meaning given to it in section 7 of the Act:</p> <p>person includes:</p> <p>(a) the Crown; and</p> <p>(b) a corporation sole; and</p> <p>(c) a body of persons (whether corporate or unincorporate).</p>
Post-manufacture surveillance	Surveillance of a certified building product or building method that is a tangible product, conducted after manufacture, to assess whether it is materially the same as any sample that was evaluated.
Product certificate	<p>Has the meaning given to it in section 7 of the Act:</p> <p>product certificate means a certificate issued under section 269 of the Act in relation to a building product or building method.</p>
Product certification accreditation body	A person appointed by the Chief Executive of MBIE under section 261 of the Act to assess and accredit product certification bodies for the CodeMark scheme.
Product certification body (PCB)	<p>A person who evaluates and certifies building products and building methods.</p> <p>Also see accredited PCB, registered PCB, responsible PCB.</p> <p>GUIDANCE</p> <p>A PCB must be accredited (by the product certification accreditation body) and registered (by MBIE) to issue product certificates under the CodeMark scheme.</p>
Quality plan	<p>Has the meaning given to it in Regulation 3 of the Regulations:</p> <p>quality plan, in relation to a building product or building method, means the quality plan submitted under regulation 13 of the Regulations in relation to the building product or building method.</p>

Registered PCB	Has the meaning given to it in section 7 of the Act: <i>registered PCB means a person who has been registered as a product certification body under section 267A and whose registration is not suspended and has not been revoked.</i>
Registered product certificate	Has the meaning given to it in section 7 of the Act: <i>registered product certificate means a product certificate that has been registered under section 272A and the registration for which is not suspended and has not been revoked.</i>
Regulations	Building (Product Certification) Regulations 2022.
Remote audit	An audit of a facility conducted using information and communications technology by an auditor who is not located at the site where the audited processes are performed.
Responsible PCB	Has the meaning given to it in section 7 of the Act: <i>responsible PCB, in relation to a product certificate or the proprietor of the building product or building method to which it relates, means:</i> <i>(a) the registered PCB that issued the certificate; or</i> <i>(b) if the certificate has been reviewed under section 270 of the Act by a different registered PCB, the registered PCB who conducted the most recent review under that section.</i>
Scheme	See CodeMark scheme.
Scheme rules	These rules for the CodeMark scheme in New Zealand.
Standard	Capitalised (ie Standard): refers to a particular published national or international Standard Not capitalised (ie standard): where this word appears in AS/NZS ISO/IEC 17065 or any other document associated with, related to, or required to be read with the CodeMark scheme, means the criteria and standards for product certification prescribed in the Regulations and the scheme rules.
Surveillance audit	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 to establish the basis for certification; ie conformity with the applicable Building Code requirements for its intended use(s).

Verification method	Has the meaning given to it in section 7 of the Act: <i>verification method</i> means a verification method issued under section 22(1). GUIDANCE Verification methods are produced by MBIE and, if followed, must be accepted by a building consent authority as evidence of compliance with the Building Code.
Working day	Has the meaning given to it in section 7 of the Act.

Accreditation body requirements

Part 2: Accreditation body requirements

This Part contains requirements for the accreditation body, which is responsible for accrediting PCBs and checking they continue to meet the accreditation requirements. In addition, the Act requires the accreditation body to:

- (i) notify a PCB in writing of: its intention to suspend or revoke a PCB's accreditation, and its reasons; and its decision to suspend, lift the suspension of, or revoke a PCB's accreditation, and its reasons, as well as the impact of this decision on a PCB's registration (section 264), and
- (ii) notify the Chief Executive within seven days of granting, suspending, lifting the suspension of, or revoking a PCB's accreditation (section 267).

Note that PCBs must also be registered by MBIE before they can certify building products or building methods under the CodeMark scheme.

2.1 The accreditation body must:

- (a) inform the Chief Executive, before the accreditation decision, of any proposed limitations to a PCB's scope of accreditation, where factors determining that scope may include, but are not limited to, types of building product or building method; and
- (b) only use the mark of conformity in accordance with Schedule 1: Use of the mark of conformity and Schedule 2: Use of the new mark of conformity; and
- (c) review its accreditation decisions if there are any amendments to the Building Code or any other document relevant to the CodeMark scheme including the Act, the Regulations, the scheme rules, any documents included by reference in the Regulations or the scheme rules, or any relevant New Zealand Gazette notice, and take appropriate action to ensure that compliance with the Building Code and the CodeMark scheme requirements is maintained; and
- (d) in addition, if requested by the Chief Executive, conduct an audit on an accredited PCB and investigate matters of concern or complaint of which the Chief Executive becomes aware; and
- (e) provide the Chief Executive with copies of any reports prepared by the accreditation body regarding its assessments, audits and investigations of PCBs.

2.2 When conducting a surveillance audit of a PCB the accreditation body must review:

- (a) a PCB's policies, procedures and systems with respect to the CodeMark scheme to ensure that:
 - i) these are fit for purpose; and
 - ii) staff and contractors are familiar with the relevant requirements for their conduct of any certification activities; and
 - iii) a PCB's policies, procedures and systems have been consistently and effectively implemented to deliver appropriate outcomes; and
- (b) a PCB's certification process, including:
 - i) any product certificate for which a PCB has become the responsible PCB since the previous surveillance audit by conducting a review under section 270(3); and
 - ii) a sample of other product certificates, taking into account the number of certificates issued by a PCB (if any) since the previous surveillance audit; and
- (c) any complaints received by a PCB since the previous surveillance audit; and
- (d) any other matter the accreditation body considers appropriate.

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The accreditation body conducts a surveillance audit of an accredited PCB 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).

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

Product certification body requirements

Part 3: Product certification body requirements

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

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

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

MBIE maintains a publicly accessible register of registered PCBs and any PCBs whose registration is currently suspended, at www.building.govt.nz. MBIE also maintains a register of product certificates, at www.building.govt.nz.

3.1 General requirements

3.1.1 A PCB must:

- (a) only use the mark of conformity in accordance with Schedule 1: Use of the mark of conformity and Schedule 2: Use of the new mark of conformity; and
- (b) in the event of any amendment to the Building Code or any other document relevant to the CodeMark scheme rules including the Act, the Regulations, the scheme rules, any documents included by reference in the Regulations or the scheme rules, or any relevant New Zealand Gazette notice, that may affect any current product certificates a PCB is responsible for:
 - i) review all its certification decisions within three months of the amendments taking effect; and
 - ii) take appropriate action at the end of the three-month period to ensure compliance with the amendments; and
- (c) conduct an additional audit of a building product or building method for the purposes of reviewing a product certificate if directed in writing by the accreditation body or the Chief Executive, taking into account any matters they may identify, and report the outcome of this audit to the accreditation body and the Chief Executive; and
- (d) inform the accreditation body within 20 working days of the end of each quarter of:
 - i) the number and type of active CodeMark applications in its system, including the scope of these applications and anticipated audit and inspection timeframes; and
 - ii) any product certificates it has become the responsible PCB for during the quarter by conducting a review under section 270(3) of the Act; and
- (e) inform the Chief Executive in writing within five working days of any changes to the information provided under regulation 9(a), (c) and (d) of the Regulations; and
- (f) provide all relevant information requested by the Chief Executive as soon as reasonably practicable to assist with any:
 - i) audit of a PCB under section 267B of the Act; and
 - ii) decision whether to suspend or lift a suspension of registration of a PCB; and
 - iii) decision whether to suspend or to lift a suspension of registration of a product certificate.

- 3.1.2 A PCB must comply with all applicable requirements under ISO/IEC 17065:2013 (Conformity assessment – requirements for bodies certifying products, processes and services).
- 3.1.3 A PCB must ensure that with respect to staff and contractors carrying out its product certification functions:
- (a) there is appropriate training and competence assessment for these staff and contractors; and
 - (b) their performance is monitored; and
 - (c) if current staff and contractors do not have the necessary competencies for a particular task, there is a documented process for identifying and obtaining the services of those who do.
- 3.1.4 Competencies a PCB must maintain, or have a documented process to obtain, include, but are not limited to:
- (a) a detailed, current knowledge of the New Zealand building regulatory system; in particular, of:
 - i) the Building Code and means of compliance with the Building Code (including the acceptable solutions and verification methods) and other supporting information (including Standards, industry codes of practice, other documents referenced in the acceptable solutions and verification methods, determinations made by the Chief Executive under Part 3 of the Act, and guidance published by the Chief Executive under section 175 of the Act)
 - ii) the application of the Building Code to building products and building methods; and
 - (b) an understanding of, and experience in, assessment of solutions that demonstrate compliance directly with the Building Code’s performance requirements, including how tests carried out to international and national Standards may be related to these requirements; and
 - (c) knowledge of relevant New Zealand and international building Standards and industry practices; and
 - (d) an understanding of quality management Standards; and
 - (e) an understanding of basic engineering and architectural principles as applied to buildings (eg how structures perform); and
 - (f) an understanding of the principles of building physics; and
 - (g) an understanding of the performance of building products in response to the physical actions and environments they are exposed to in buildings; and
 - (h) an understanding of risk assessment (likelihood and consequence of failure) and its mitigation; and
 - (i) an understanding of, and experience in, product testing, evaluation and review; and
 - (j) an understanding of how construction site practices and conditions affect the buildability of a building product or implementation of a building method; and
 - (k) an understanding of, and experience in, assessing quality management plans; and
 - (l) experience in manufacturing site audits and installation inspections.

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While a single person may possess more than one of these competencies, the requirements are likely to be covered by several staff and contractors.

Rules 3.1.3 and 3.1.4 support Regulation 7(1)(b), which requires a PCB’s policies, procedures, and systems to be “designed to ensure (i) that the person has enough employees and contractors to perform the person’s product certification functions; and (ii) that every individual who is allocated or carries out product certification work on the person’s behalf is competent to do that work”.

- 3.1.5 A PCB's procedures for certifying a building product or building method must be in accordance with the rules in 3.2 Evaluation.
- 3.1.6 A PCB's procedures for reviewing a product certificate must be in accordance with rules in 3.4 Surveillance.
- 3.1.7 A PCB must record its decisions relating to its product certification functions, including the reasons for and outcomes of these decisions. This includes keeping detailed written notes of the technical rationale for its decisions to approve or reject information at key stages of the certification process, including its reviews of:
- (a) the application for certification; and
 - (b) the evaluation plan; and
 - (c) test reports, inspection reports, audit reports, and technical opinions as evidence to support certification; and
 - (d) the recommendation for certification.

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Also refer to rule 3.2.5, which has specific requirements for completing and keeping records relating to a PCB's risk assessments and the audit and inspection requirements arising from these; and rule 3.2.22 with respect to any decision to carry out a remote audit.

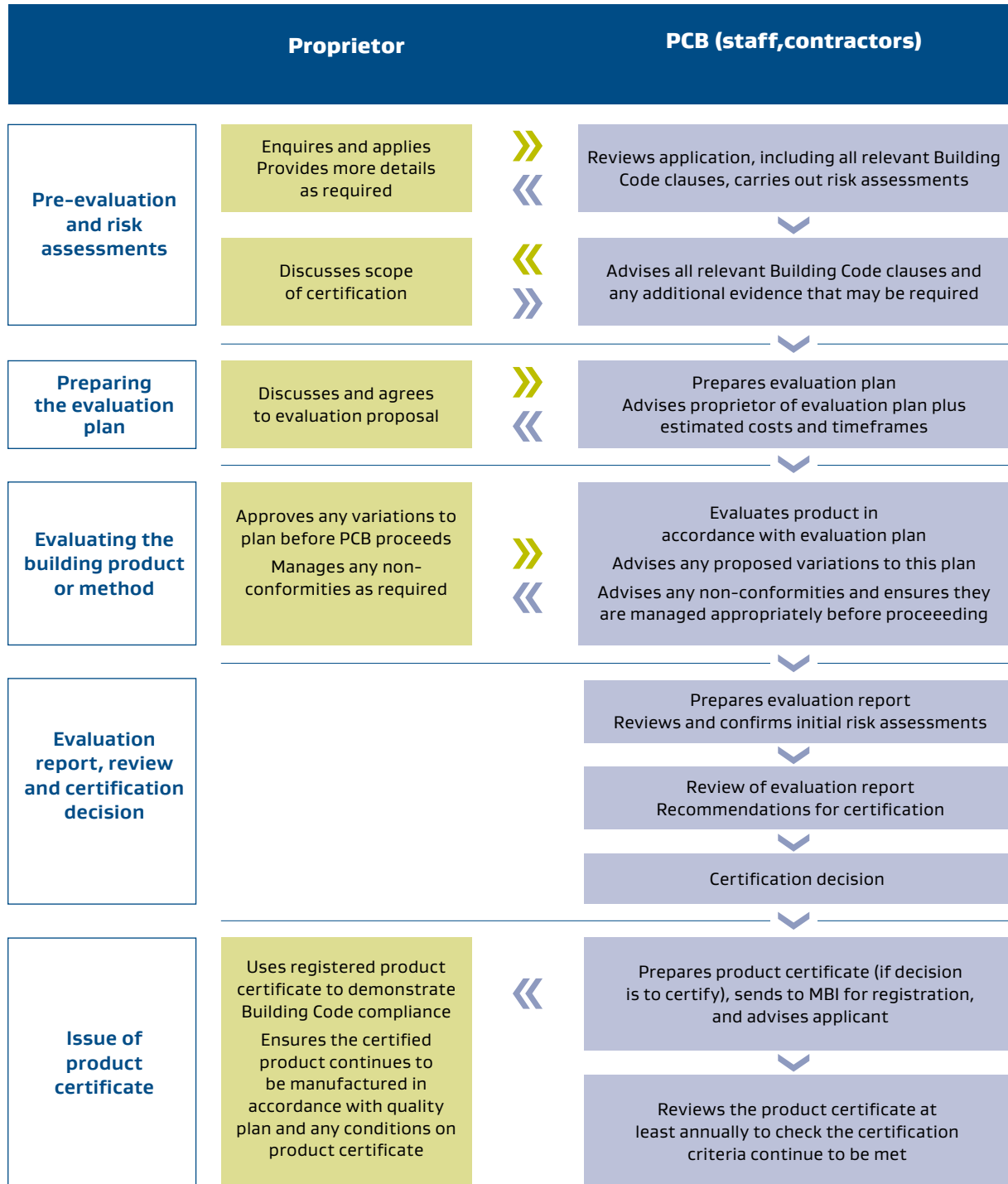
3.2 Evaluation

When considering whether a building product or building method complies with the criteria and standards for certification a PCB must evaluate it in accordance with rules 3.2.2. to 3.2.29.

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Figure 2 illustrates key stages in the evaluation process.

Figure 2: The evaluation process



Note:

- › Review of evaluation report must be done by someone not involved with preparing or carrying out the evaluation plan (ISO/IEC 17065: 7.5.1)
- › Certification decision must be made by the PCB itself (ie. not subcontracted), and by someone not involved in preparing or carrying out evaluation plan (ISO/IEC 17065:7.6)

Pre-evaluation and risk assessments

- 3.2.2 When considering an application for certification a PCB must examine the building product or building method, its uses and installation to:
- (a) determine its exact nature; and
 - (b) identify the product’s components; and
 - (c) identify any critical components; ie components where a PCB has low confidence in the component’s contribution to meet the product’s Building Code compliance; and
 - (d) ensure that all Building Code clauses applicable to its intended use(s) and possible limitations have been identified; and
 - (e) verify that the specification and claims provided by the applicant are capable of being evaluated; and
 - (f) determine the appropriate method of evaluation.

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This process may include a pre-evaluation visit to the manufacturing site and/or a construction site if a PCB considers this is appropriate.

3.2.3 A PCB must carry out risk assessments for building products with respect to manufacture and installation, and for building methods with respect to installation, in accordance with Table 1 to develop a conformity assessment profile and determine minimum audit and inspection requirements.

3.2.4 A PCB must carry out an initial manufacturing site audit for the building product and its identified critical components.

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While components of a product other than those identified as critical components may not require an initial manufacturer audit or on-going surveillance audits, a PCB must ensure there are sufficient controls in place to assure ongoing quality (refer rule 3.2.13) and document the reasons for the decisions regarding that assurance.

Initial manufacturing site audits may also be done remotely (refer rule 3.2.22)

3.2.5 A PCB must complete and retain records demonstrating technically justifiable rationales for the consequence and likelihood scores assigned while carrying out a risk assessment.

Table 1: Risk assessment steps

<p>■ Step 1</p>	<p>Consider the consequences of failure of the building product or building method in its intended use(s) and the impact with respect to the building, its occupants, or other property, and assign a consequence score between 1 and 3, where:</p> <p>3 = major impact 2 = moderate impact 1 = minor impact.</p> <p>GUIDANCE</p> <p>The consequence score considers what could happen if any building product or building method with these intended uses were to fail.</p>
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<p>■ Step 2</p>	<p>For building products only (for building methods, go to Step 6):</p> <p>Identify risk factors with the potential to affect the building product’s Building Code compliance during manufacture, considering at least the following:</p> <ul style="list-style-type: none"> (a) nature of product materials, variability of raw materials, history of quality and process control, and complexity of manufacture; and (b) extent and nature of sampling and testing, including whether onsite production testing is available, and standard of testing facilities; and (c) number of sites involved in manufacture, assembly, and related activities; and (d) nature of certificate holder, eg importer, manufacturer; and (e) nature of manufacturer including factors relating to location and whether remote audits are proposed, length of time in operation, familiarity or otherwise with product being considered for certification; and (f) skill level of employees at the manufacturing site, and number of employees involved with production and quality; and (g) manufacturing conditions and controls for possible contamination during manufacture; and (h) ease of rectification.
<p>■ Step 3</p>	<p>Consider the likelihood of non-compliance with respect to each factor identified, based on current controls (as known by a PCB through its pre-evaluation activities), and assign a likelihood score between 1 and 3 where:</p> <p>3 = very likely 2 = likely 1 = unlikely.</p> <div style="background-color: #d9ead3; padding: 5px; margin-top: 10px;"> <p>GUIDANCE</p> <p>The likelihood score considers the residual risks with respect to the specific building product or building method being evaluated.</p> </div>
<p>■ Step 4</p>	<p>Multiply the highest likelihood score with the consequence score to establish a manufacture risk score.</p>
<p>■ Step 5</p>	<p>Compare the manufacturing risk score to the values in Table 2 to establish minimum requirements for manufacturing site audits during evaluation and also during surveillance (if the building product is certified), in accordance with rules 3.2.21 to 3.2.22.</p>

<p>Step 6</p>	<p>Repeat Steps 2-4 to establish an installation risk score for building products or building methods with respect to installation, replacing the factors in Step 2 with the following:</p> <ul style="list-style-type: none"> (a) complexity of installation; and (b) required skill level, including whether trained applicators or installers are required; and (c) training materials (if any) and likelihood of there being insufficiently skilled installers; and (d) quality of the installation instructions; and (e) co-ordination of step-by-step installation process / trades, installers, materials; and (f) importance of 'order of construction'; and (g) interaction (if any) with other building products or components; and (h) effects of exposure from the elements or physical damage to the product before, during or after installation; and (i) whether other onsite conditions are likely to be detrimental to installation; and (j) accessibility of product following installation.
<p>Step 7</p>	<p>Compare the installation risk score to the values in Table 3 to establish minimum requirements for installation inspections during evaluation and also during surveillance (if the building product is certified), in accordance with rules 3.2.23 to 3.2.24.</p>

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

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

Key:

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

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

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

Key:

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

GUIDANCE

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

- 3.2.6 A PCB may use its discretion to reduce the frequency of surveillance audits or inspections specified in Table 2 and Table 3 for risk score 9 and risk scores 4-6 with respect to the building product, building method or any critical components, but only if:
 - (a) a PCB completes and retains records demonstrating a technically justifiable rationale for reducing this frequency and the factors it has taken into account (eg outcomes of previous risk assessments, any nonconformities identified in the previous audit); and
 - (b) this frequency is reduced to not less than once every three years.
- 3.2.7 After considering the application for certification, a PCB must inform the applicant of:
 - (a) all Building Code clauses a PCB considers applicable to the building product’s or building method’s intended use(s) in the application for certification; and
 - (b) any additional tests or evidence a PCB considers may be required with respect to these Code clauses.

Preparing the evaluation plan

- 3.2.8 A PCB must prepare an evaluation plan and an evaluation methodology that includes:
- (a) a defined scope and any limitation of use; and
 - (b) a demonstration that a PCB has considered all Building Code clauses applicable to the scope of certification; and
 - (c) detailed specification; and
 - (d) means of conformity assessment including tests, audits and inspections, including an assessment of the extent of any manufacturing site audits and installation inspections required in accordance with the completed risk assessments and the following considerations:
 - i) nature of the building product or building method and production processes
 - ii) specific requirements of the Building Code
 - iii) the quality plan for the building product or building method and any critical components
 - iv) method of installation or use
 - v) interaction with other components and materials; and
 - vi) need to evaluate installation instructions or construction manuals by observation onsite; and
 - (e) manufacturing quality audit plan; and
 - (f) installation inspection plan (where applicable); and
 - (g) the timing and method of the audits and inspections to be carried out to ensure that the building product or building method continues to meet the product certification criteria; and
 - (h) is aligned with documented acceptance criteria for technical literature.
- 3.2.9 If a PCB determines that there is no applicable national or international Standard to test the building product or building method against, it may use either a standard from another jurisdiction or a non-Standards based testing method for the evaluation provided that:
- (a) the accreditation body has had the opportunity to provide input into the development of this testing method; and
 - (b) the testing method has been validated prior to use.

GUIDANCE

ISO/IEC suitable for use for conformity assessment) includes useful information on how to develop normative documents for this purpose.

ISO/IEC 17025:2018 (General requirements for the competence of testing and calibration laboratories) contains relevant notes on techniques for validating methods.

Note that ISO/IEC 17025 clause 7.2.2 requires testing facilities to validate non-standard methods, laboratory-developed methods and standard methods that are used outside their intended scope or otherwise modified. The notes below clause 7.2.2 say that the validation techniques can be one or more of:

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

- 3.2.10 A PCB must provide the applicant with an outline of:
- (a) the evaluation plan; and
 - (b) estimated costs and timeframes for implementing the evaluation plan.
- 3.2.11 A PCB must advise the applicant of the evaluation plan, estimated costs and timeframes before proceeding with the evaluation.

Evaluating the building product or building method

- 3.2.12 A PCB must evaluate the building product or building method in accordance with the approved evaluation plan.
- 3.2.13 If a PCB considers any changes to the approved evaluation plan are necessary, it must:
- (a) document the proposed changes and its reasons for them; and
 - (b) advise the applicant before proceeding.

GUIDANCE

Evaluation is an iterative process which may involve updates to the risk assessments or the evaluation plan (eg if the situation onsite does not reflect the documentation on which a PCB based its initial risk assessments).

- 3.2.14 When evaluating the quality plan prepared in respect of the building product or building method, a PCB must:
- (a) take into account the requirements in rules 4.2 to 4.3; and
 - (b) ensure that the quality plan covers all components a PCB has identified; and
 - (c) in the case of a building product, ensure the applicant has a traceability process that can trace the building product back to the inspection and test records providing the basis for its release from the factory; and
 - (d) in the case of a building product, ensure the applicant has either:
 - i) prepared and authorised a product recall procedure; or
 - ii) entered into a written agreement undertaking to cooperate with the recall procedure developed by the New Zealand supplier of its building products.

GUIDANCE

The quality plan must also specify: the procedures to be followed in respect of the building product or building method; the resources to be applied; and the persons responsible for following those procedures and applying those resources (refer to Regulation 13).

- 3.2.15 A PCB must only accept a type test report from a testing facility accredited to ISO/IEC 17025:2018 (General requirements for the competence of testing and calibration laboratories) for that test, unless a PCB is satisfied it is not a reasonable requirement.
- 3.2.16 In assessing whether it is not reasonable a PCB may consider whether:
- (a) there is a lack of availability of accredited facilities for that test; and
 - (b) requiring a test report from an accredited facility would be unduly onerous due to cost; and
 - (c) a PCB has previously accepted the test report as part of certification for a building product or building method with a current product certificate and is now reviewing the certification for the same building product or building method; and

- (d) there are commercial, competitive or intellectual property reasons that prevent the certificate holder from using a facility accredited for that test; and
- (e) requiring a test report from an accredited facility would be inappropriate given the level of risk associated with that test; and
- (f) a PCB considers the certificate holder has made all reasonable attempts to use a facility accredited for that test.

3.2.17 If a PCB assesses that it is not reasonable it:

- (a) must record the decision and rationale for that decision; and
- (b) may accept the test report; and
- (c) must provide evidence that it assessed the testing facility against the requirements of NZS ISO/IEC 17025 sections 6 and 7 in relation to that test.

GUIDANCE

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

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

- 3.2.18 When assessing whether a test report submitted by the applicant provides evidence of product conformity a PCB must confirm that:
- (a) the requirements of rules 3.2.14 to 3.2.16 are met; and
 - (b) testing has been carried out in accordance with the current versions of the applicable Standards unless there is a technically justifiable reason for accepting testing to a previous edition; and
 - (c) the test report is either:
 - i) no more than 10 years old at the application date (or if a product certificate is being reviewed, no more than 10 years at the review date); or
 - ii) more than 10 years old but there is a technically justifiable reason for continuing to accept this report.
- 3.2.19 When assessing whether a technical opinion submitted by the applicant supports evidence of product conformity a PCB must at least consider:
- (a) the relevance of the technical opinion to the building product or building method being evaluated; and
 - (b) the expert's competence and credibility with respect to the building product or building method being evaluated; and
 - (c) the basis for the technical opinion (eg test report) and, if evidence is not provided, whether the applicant has provided an acceptable justification for not providing this evidence.

- 3.2.20 When evaluating the building product or building method a PCB must take into account the nature and significance of any nonconformities and required actions (if any) in accordance with Table 4.

Table 4: Nonconformities identified during evaluation

Level	Description of nonconformity	Required action
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).	The evaluation may proceed unless a PCB identifies more than one related minor nonconformity, and these nonconformities collectively are likely to present a potential risk or high risk. If this is the case these nonconformities must be classified as major or critical immediately.
Major	The potential impact is likely to compromise Building Code compliance if no remedial action is taken to correct it within a specified period.	A PCB must not certify the building product or building method before the nonconformity has been corrected and a PCB has verified the corrective action.
Critical	The potential impact is considered to compromise Building Code compliance.	A PCB must not certify the building product or building method before the nonconformity has been corrected and a PCB has verified the corrective action. Verifying a corrective action with respect to a critical nonconformity requires: (a) onsite verification (for manufacturing site audits or installation inspections); or (b) verification by testing (for product conformity failures); or (c) examination of revised documentation (for deficiencies in procedures or instructions).

Site audits and inspections

- 3.2.21 When conducting a manufacturing site audit for a building product a PCB must:
- verify the factors considered in the risk assessment; and
 - record any potentially significant risks that are not apparent in the risk assessment; and
 - confirm that the building product is consistently manufactured to the 'as tested' technical specification; and
 - confirm the adequacy of processes for managing changes to product materials and specifications.
- 3.2.22 A PCB may conduct a manufacturing site audit as a remote audit if:
- a PCB has documented procedures for conducting remote audits and keeps detailed records of the reasons for doing so in a particular case; and
 - conduct of the remote audit is under a PCB's control (for example, via video link); and
 - in the case where there have been two previous audits of a particular manufacturing site, at least one of these was not a remote audit.

- 3.2.23 When carrying out an installation inspection for a building product or building method a PCB must:
- (a) verify the factors considered in the risk assessment; and
 - (b) record any potentially significant risks that are not apparent in the risk assessment; and
 - (c) confirm the practicability of installing the building product or implementing the building method; and
 - (d) confirm the appropriateness and accuracy of installation or implementation instructions; and
 - (e) review the recommended methods of handling and storage (where applicable); and
 - (f) identify any adverse conditions that might impact on the performance of the building product or building method; and
 - (g) confirm that compliance can be reliably achieved by appropriately competent installers following the instructions.

GUIDANCE

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

- 3.2.24 A PCB may consider a demonstration of an installation (eg at a manufacturing site) as an alternative to an installation inspection at a construction site, but only if a PCB is satisfied:
- (a) there are no site-specific factors that render this demonstration inadequate; and
 - (b) the skill level employed by those carrying out the demonstration can be matched by appropriately competent installers of the certified building product or building method at a construction site; and
 - (c) the installation instructions are sufficient to enable installers of the certified building product or building method to achieve a comparable result.
- 3.2.25 Following the initial manufacturing site audit and installation inspections of building product and its critical components, a PCB must review and confirm the residual risk and on-going surveillance frequency using Table 1, giving consideration to the information gathered from the evaluation process (rules 3.2.12 – 3.2.24).

Evaluation report, review and certification decision

- 3.2.26 A PCB must keep detailed written notes during the evaluation with respect to Building Code compliance, including notes of any assessment of technical evidence submitted in support of a compliance claim.
- 3.2.27 A PCB must use the notes described in rule 3.2.26 as the basis for an evaluation report and its decision regarding certification.
- 3.2.28 A PCB must produce an evaluation report that summarises:
- (a) all aspects associated with the evaluation as identified in the evaluation plan; and
 - (b) any nonconformities; and
 - (c) any recommendations and opportunities for improvement of the building product or building method that were identified during the evaluation; and
 - (d) the details of the risk assessment for the product and its components (rule 3.2.25), including the identified frequency of manufacturing site audits (building products) and installation inspections.

- 3.2.29 Before making a certification decision a PCB must review the evaluation report to ensure:
- (a) all aspects of the evaluation plan have been satisfied; and
 - (b) the evaluation process and evaluation report adequately address the applicable requirements of the CodeMark scheme and the Building Code.

GUIDANCE

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

3.3 Product certificates and certificate numbers

- 3.3.1 When issuing a product certificate a PCB must:
- (a) use MBIE's current product certificate template; and
 - (b) assign a unique certificate number to that certificate; and
 - (c) ensure the certificate number is a consecutive number derived from the block of numbers allocated to a PCB by the Chief Executive or the accreditation body; and
 - (d) prefix the certificate number with CMNZ (eg CMNZ12345); and
 - (e) must not change the structure and design of the certificate; and
 - (f) must not add any other text or numbers to the certificate number

GUIDANCE

The Regulations require the product certificate to include a version number as well as a certificate number. PCBs must now use MBIE's new provided product certificate, whereas before they could use their discretion when choosing a suitable format.

3.4 Surveillance

3.4.1 When reviewing a product certificate under section 270 of the Act, a PCB must:

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

Table 5: Nonconformities identified during surveillance

Level	Description of nonconformity	Initial action	If the CAR is not closed out by the agreed date
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).	<p>A PCB must raise a Corrective Action Request (CAR) with respect to the nonconformity and agree a suitable closeout date with the certificate holder which reflects the potential impact of the nonconformity and how easily it can be rectified.</p> <p>GUIDANCE</p> <p>Closeout is normally at the next annual review.</p>	<p>A PCB must review the reasons for not closing out the CAR with the certificate holder and, depending on the nature of the nonconformity and its potential to affect compliance, either:</p> <ul style="list-style-type: none"> (a) determine that a minor nonconformity still exists, cancel the existing CAR and raise a new CAR with a new closeout date agreed with the certificate holder, reporting the action in the evaluation report, or (b) determine that the nonconformity is now a major or critical nonconformity and raise a CAR with a closeout date as required for a major or critical nonconformity.
Major	The potential impact is likely to compromise Building Code compliance unless corrective action is taken promptly.	<p>A PCB must raise a CAR with respect to the nonconformity and set a closeout date that does not exceed seven days.</p> <p>A PCB must not close out the CAR until the major nonconformity has been corrected and a PCB has verified the corrective action.</p>	A PCB must determine that the nonconformity is now a critical nonconformity and take the appropriate action.

Critical	The potential impact requires immediate corrective action.	<p>A PCB must raise a CAR with respect to the nonconformity requiring immediate corrective action to be taken. Further building products must not be produced or building methods implemented until the CAR is closed.</p> <p>A PCB must not close out the CAR until the critical nonconformity has been corrected and a PCB has verified the corrective action.</p> <p>Verifying a corrective action with respect to a critical nonconformity requires:</p> <ul style="list-style-type: none"> (a) onsite verification (for manufacturing site audits or installation inspections); or (b) verification by testing (for conformity failures); or (c) examination of revised documentation (for deficiencies in procedures or instructions). 	A PCB must determine whether to suspend or revoke the product certificate under section 271.
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- 3.4.2 If a PCB is reviewing a product certificate under section 270(3) of the Act, its review must include at least:
- (a) an assessment of the product certificate for ongoing accuracy and completeness; and
 - (b) a review of the quality plan; and
 - (c) an assessment of the documented evidence upon which certification was issued including, but not limited to:
 - i) 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; and
 - ii) for building methods: design reviews, audit reports, inspection reports, any outstanding nonconformities, building method specifications and manuals.

GUIDANCE

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

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

- 3.4.3 A PCB must carry out post-manufacture surveillance of a certified building product if:
- (a) directed to do so by the Chief Executive or the accreditation body; or
 - (b) a PCB receives a relevant complaint; or
 - (c) at a PCB's discretion, but a PCB must take into account:
 - i. the results of the initial evaluation; and
 - ii. any previous reviews of the product certificate.

GUIDANCE

Post-manufacture inspections may include inspecting one or more samples of the certified building product, eg from a distribution warehouse or a New Zealand wholesaler or retailer, and/or further product testing.

Note: a relevant complaint must be substantive which includes, but is not limited to, complaints that are verified with physical evidence, or are accompanied by detailed information.

Surveillance reporting

- 3.4.4 When reviewing a product certificate a PCB must:
- (a) keep detailed notes with respect to Building Code compliance; and
 - (b) use these notes to form the basis for a PCB's report on its review.
- 3.4.5 A PCB's report on its review of the product certificate must include:
- (a) a summary of this review; and
 - (b) details of any nonconformities and the actions taken with respect to them; and
 - (c) any recommendations or opportunities for improvement that were identified during the review.

GUIDANCE

Follow the procedure outlined in Table 5 for any nonconformities found as part of a certificate review.

- 3.4.6 A PCB must ensure that the report described in rule 3.4.5 is reviewed by person(s) not involved in the report's preparation or the product certificate's review to ensure the report and review adequately address the applicable requirements of the CodeMark scheme and the Building Code.

3.5 Change in certificate holder

- 3.5.1 If the responsible PCB receives a request to transfer a product certificate from one certificate holder to another:
- (a) if this request means the certified building method or building product would be manufactured at a different site a PCB must regard the request as a new application and evaluate it accordingly; and
 - (b) in all other cases a PCB may use its discretion to determine the nature and extent of its review, taking into account the impact (if any) of the change in certificate holder on the evidence forming the basis for certification.

Certificate holder requirements

Part 4: Certificate holder requirements

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

- 4.1 A certificate holder must ensure:
- (a) 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; and
 - (b) the building product or building method available in the New Zealand market is materially the same as any sample that was evaluated; and
 - (c) every certified building product or building method that is a tangible product or its packaging is marked with, or has attached to it, the mark of conformity; and
 - (d) its use of the mark of conformity is in accordance with Schedule 1: Use of the mark of conformity and Schedule 2: Use of the new mark of conformity.
- 4.2 A certificate holder must ensure that the quality plan prepared in respect of the certified building product or building method:
- (a) is specific to the certified building product or building method and relevant to the scope of certification; and
 - (b) is agreed to and retained by the manufacturer (where the manufacturer is not the certificate holder); and
 - (c) is provided to a PCB as a controlled copy; and
 - (d) demonstrates how the certificate holder's quality management system, if any (or the manufacturer's quality management system, where the manufacturer is not the certificate holder) applies to the certified building product or building method; and
 - (e) demonstrates how the quality plan's requirements will be met; and
 - (f) minimises the risks of not meeting these requirements.

GUIDANCE

In cases where the certificate holder is not the manufacturer, the certificate holder is still required to prepare a quality plan for the building product or method which will require inputs from the manufacturer(s) but does not need to obtain the manufacturers' own quality plan unless they choose to or are able to do so. For example, the quality plan could reference manufacturer production control systems or recognized testing methods to ensure the quality of the product is maintained. The certificate holder should ideally have a documented agreement in place with the manufacturer(s) to ensure that the product will be produced in accordance with the quality plan and that the certificate holder will be informed of any changes made by the manufacturer that may influence its compliance. This includes but is not limited to raw material specification or supplier, manufacturing process and equipment, product specification or batch release procedure.

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

- 4.3 A certificate holder must ensure that the quality plan specifies at least the following:
- (a) the quality plan's scope; and
 - (b) quality objectives for the certified building product or building method, including the required quality characteristics and performance requirements consistent with the Building Code clauses listed on the product certificate; and
 - (c) product traceability information from the certified building product to the production batch test records; and
 - (d) control of documented information, including a requirement that if manufacturing ceases then product traceability records must be retained for at least 10 years from the final manufacturing date; and
 - (e) control of non-conforming building products or building methods (ie defect management during the manufacturing process); and
 - (f) a product recall procedure specific to the New Zealand market; and
 - (g) production processes; and
 - (h) monitoring and measurement processes.

GUIDANCE

ISO/IEC 10005:2018 (Quality management – guidelines for quality plans) contains general guidance on suitable content for a quality plan.

- 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.

GUIDANCE

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.

- 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.
- 4.6 Scheme rules 4.4 and 4.5 come into force 11 December 2023.

GUIDANCE

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

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

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

- 4.7 If the certificate holder or the responsible PCB finds that a certified building product or building method which has been released on the market does not comply with the Building Code clauses stated on the product certificate, a certificate holder must:
- (a) activate the product recall procedure relating to the certified building product or building method; and
 - (b) disclose the non-compliance in disclosure statements published in a form that is acceptable to the responsible PCB and to the Chief Executive.
- 4.8 A certificate holder must inform the responsible PCB as soon as reasonably practicable of any activation of the product recall procedure for the certified building product or building method.
- 4.9 A certificate holder must inform the responsible PCB in writing within five working days of the following:
- (a) any intended change to any of the following particulars:
 - i) the legal name, trading name(s), address for service, email address, phone number or internet site of a certificate holder
 - ii) any address of a location where a certified building product or building method is produced or manufactured; and
 - (b) 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; and
 - (c) any reason to suspect the certified building product or building method does not comply with the Building Code; and
 - (d) any decision to relinquish certification.
- 4.10 If a product certificate is suspended a certificate holder must:
- (a) inform any customers of the change in certification status; and
 - (b) immediately cease using the product certificate, mark of conformity and any reference to the certificate number.
- 4.11 If a product certificate is revoked or a certificate holder relinquishes certification a certificate holder must:
- (a) comply with the requirements in rule 4.7; and
 - (b) unless a certificate holder holds another current product certificate, immediately cease making any reference to the CodeMark scheme including in advertising or other promotional material.

Use of the mark of conformity

Schedule 1: Use of the mark of conformity

This Schedule contains requirements for using the CodeMark mark of conformity (which is a registered trade mark) including acceptable formats. Schedule 1 can be used until 1 September 2024. From 1 September 2024, Schedule 2 must only be used (see below).

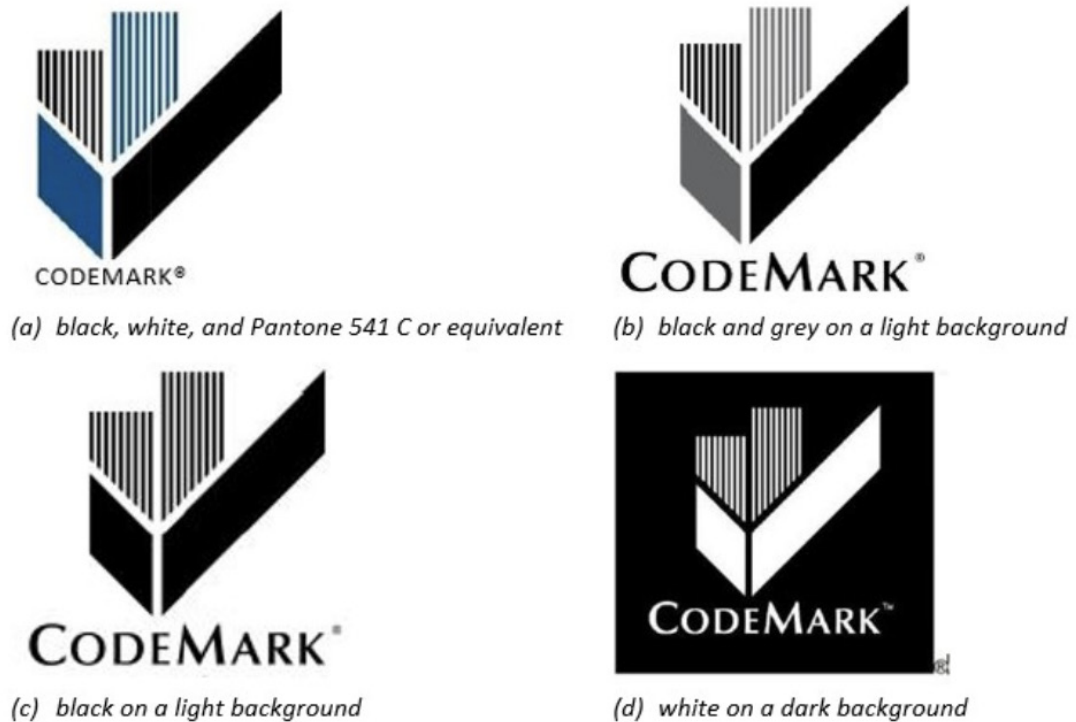
S1 Use

- S1.1 A certificate holder with a current product certificate 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, either:
- (a) directly by stamping, printing, moulding, etching or labelling; or
 - (b) indirectly to the associated packaging or marketing material.
- S1.2 A certificate holder may accompany the mark of conformity (eg on packaging or marketing material) with either of the following statements:
- “This *[building product/building method]* is marked with the CodeMark New Zealand mark of conformity. This indicates that the conformity of our product is based upon technical documentation and review of our manufacturing and quality control process to monitor our ability to consistently produce this product in compliance with the requirements of Clauses *[insert the clauses listed on the product certificate]* of the New Zealand Building Code.”
- OR**
- “Compliance of this *[building product/building method]* with the requirements of Clauses *[insert the clauses listed on the product certificate]* of the New Zealand Building Code is monitored by the CodeMark New Zealand Product Certification Body *[insert name of PCB]*.”
- S1.3 A certificate holder may use the mark of conformity on documents, in advertising or other promotional material, but only in relation to the certified building product or building method.
- S1.4 The accreditation body and registered PCBs may use the mark of conformity on documents or other material associated with the CodeMark scheme.

S1(b) Format

- S1(b).1 The mark of conformity must be rendered in accordance with rules S2.2 to S2.4 unless the Chief Executive has given prior written approval for any departure from these rules.
- S1(b).2 The mark of conformity must be rendered in one of the colour options shown in Figure 3.

Figure 3: Colour options for the mark of conformity



- S1(b).3 The mark of conformity must be reproduced:
- no less than 20 millimetres wide; and
 - with a minimum clear space on all sides as illustrated in Figure 4; and
 - without adjusting the proportions or any part of the mark of conformity.

Figure 4: Minimum clear space for the mark of conformity



- S1(b).4 The acceptable format for any use of the mark of conformity in conjunction with a certificate number must be as shown in Figure 5.

Figure 5: Certificate number used in conjunction with the mark of conformity



- S1(b).5 The mark of conformity may be used with or without the ® symbol that indicates its status as a registered trade mark.

Schedule 2: Use of the new mark of conformity (from 8 May 2023)

The Schedule contains the requirements for using the new CodeMark mark of conformity format and colour options, which was introduced on 8 May 2023.

S2 Use

S2.1 The transition arrangements for this Schedule are as follows:

- (a) Schedule 2 can be used from 8 May 2023;
- (b) Schedule 2 must be used from 1 September 2024;
- (c) any certified building product or building method marked with the mark of conformity contained in Schedule 1 must be withdrawn from sale or repackaged with the mark of conformity detailed in Schedule 2(b) by 1 March 2025.

A certificate holder with a current product certificate 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, either:

- (a) directly by stamping, printing, moulding, etching or labelling; or
- (b) indirectly to the associated packaging or marketing material.

A certificate holder may accompany the mark of conformity (eg on packaging or marketing material) with either of the following statements:

“This *[building product/building method]* is marked with the CodeMark New Zealand mark of conformity. This indicates that the conformity of our product is based upon technical documentation and review of our manufacturing and quality control process to monitor our ability to consistently produce this product in compliance with the requirements of Clauses *[insert the clauses listed on the product certificate]* of the New Zealand Building Code.”

OR

“Compliance of this *[building product/building method]* with the requirements of Clauses *[insert the clauses listed on the product certificate]* of the New Zealand Building Code is monitored by the CodeMark New Zealand Product Certification Body *[insert name of PCB]*.”

A certificate holder may use the mark of conformity on documents, in advertising or other promotional material, but only in relation to the certified building product or building method.

The accreditation body and registered PCBs may use the mark of conformity on documents or other material associated with the CodeMark scheme.

S2(b) Format

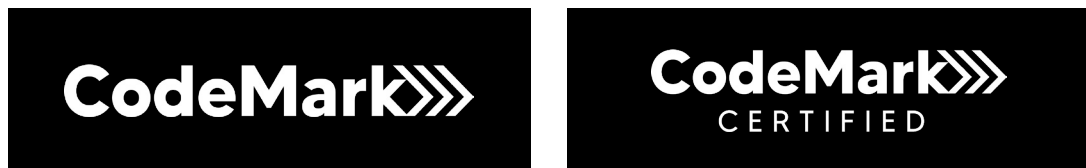
- S2(b)1 The mark of conformity must be rendered in accordance with rules S2.2 to S2.8 unless the Chief Executive has given prior written approval for any departure from these rules.
- S2(b)2 The mark of conformity must be rendered in one of the acceptable formats shown in Figure 3.



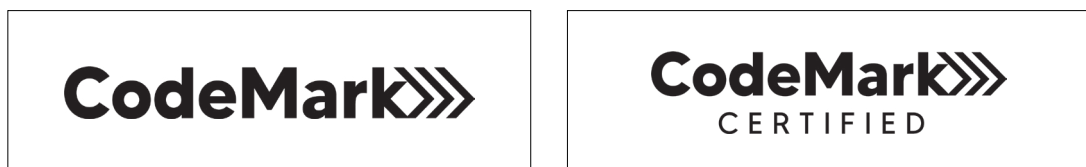
- (a) Pantone 294 and Pantone 2260 or equivalent



- (b) Reversed version with Pantone 294 and Pantone 2260 or equivalent



- (c) White on a black background



- (c) Black on a white background

Figure 3: Format and colour options for the mark of conformity

- S2(b)3 The mark of conformity must be reproduced:
- no less than the minimum sizes outlined in Figure 4;
 - with a minimum clear space on all sides as illustrated in Figure 4; and
 - without adjusting the proportions or any part of the mark of conformity.



- (d) no less than 25 millimetres/125 px in width



(e) no less than 27 millimetres/135px in width

Figure 4: Minimum size and clear space for the mark of conformity

S2(b)4 The acceptable format for any use of the mark of conformity in conjunction with a certificate number must be as shown in Figure 5.



Figure 5: Certificate number used in conjunction with the mark of conformity

S2(b)5 The accreditation body, registered PCBs and certificate holders may use the CodeMark icon as a separate graphic element, but only in relation to the certified building product or building method. The graphic element can be rotated for visual variety, but it must not be stretched or distorted in any way. The graphic element must be rendered in one of the colour options shown in Figure 6.

(a) Pantone 7687 on Pantone 294 background or equivalent:



(b) 50% tint Pantone Cool Grey 2 on Pantone Cool Grey 2 background or equivalent:



- (c) 30% tint Pantone Cool Grey 2 on white background or equivalent:



- (d) 80% tint Pantone 2260 on Pantone 2260 background or equivalent:



Figure 6: Colour options for the CodeMark icon

- S2(b)6 A certificate holder may use the CodeMark certified button in digital and print channels, but only in relation to the certified building product or building method. The acceptable format is shown in Figure 7:



- (a) Pantone 294 and reversed logo

Figure 7: Format of the CodeMark certified button

- S2(b)7 When using the mark of conformity in any communication media including documents, brochures and advertising, a certificate holder is responsible for ensuring their own compliance with the requirements of these scheme rules.

The CodeMark scheme framework

Appendix 1: The CodeMark scheme framework

Appendix 1 provides more detail of the legislative framework for the CodeMark scheme. It lists sections of the Act relating to product certification alongside relevant regulations and scheme rules.

Building Act 2004	Building (Product Certification) Regulations	CodeMark Scheme Rules 2022-1 and 2023-1
Accreditation of product certification bodies		
261 Chief Executive may appoint product certification accreditation body		
262 Requirements for product certification accreditation body		<p><i>Part 2: Accreditation body requirements</i></p> <ul style="list-style-type: none"> › Rules 2.1-2.2 › Schedule 1: Use of the mark of conformity › Schedule 2: Use of the new mark of conformity
<p>Also see:</p> <p>New Zealand <i>Gazette</i>, No 14, 5 February 2009 Notice of Requirements for Product Certification Accreditation Body</p>		
262A Fees for audits	Reg. 17: Fees: Audit of accredited PCB	
263 Accreditation of product certification body	<p><i>Criteria and standards for accreditation as product certification body</i></p> <p>Reg. 5: Requirements for policies, procedures and systems</p> <p>Reg. 6: Conformity assessment</p> <p>Reg. 7: Other requirements for policies, procedures, and systems</p> <p>Reg. 17: Fees</p> <p>Schedule 3 Fees: Part 1 Product certification body</p>	<p><i>Part 3: Product certification body requirements</i></p> <p>3.1 General requirements</p> <ul style="list-style-type: none"> › Rules 3.1.1-3.1.7 › Schedule 1: Use of the mark of conformity › Schedule 2: Use of the new mark of conformity
264 Suspension or revocation of accreditation		

Building Act 2004	Building (Product Certification) Regulations	CodeMark Scheme Rules 2022-1 and 2023-1
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	<p><i>Criteria and standards for registration of product certification body</i></p> <p>Reg. 8: Criteria and standards for registration</p> <p>Reg. 9: Application for registration</p> <p>Reg. 10: Information required under regulation 9(d)(i)</p> <p>Reg. 11: Information relating to conflicts of interest</p> <p>Reg. 17: Fees</p> <p>Schedule 3 Fees: Part 1 Product certification body</p>	<p><i>Part 3: Product certification body requirements</i></p> <p>3.1 General requirements</p> <ul style="list-style-type: none"> › Rule 3.1.1 (e) (f)
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		

Building Act 2004	Building (Product Certification) Regulations	CodeMark Scheme Rules 2022-1 and 2023-1
<p>Also see:</p> <p>200-203C Disciplinary powers in relation to complaints</p> <p>204 Special powers of Chief Executive for monitoring performance of functions under this Act</p> <p>208 Appeals to District Court</p> <p>272G Offence to misrepresent status as product certification body</p> <p>273 Chief Executive must keep registers</p> <p>274 Purpose of registers</p>		
Certification of building products and building methods		
<p>269 Product certificates</p>	<p><i>Criteria and standards for certification of building methods or building products</i></p> <p>Reg. 12: Criteria and standards for certification</p> <p>Reg. 13: Quality plan for building product or building method sought to be certified</p> <p>Reg. 14: Supply of samples</p>	<p><i>Part 3: Product certification body requirements</i></p> <p>3.2 Evaluation</p> <ul style="list-style-type: none"> › Rules 3.2.2-3.2.29
<p>270 Annual review of product certificate</p>	<p><i>Content and annual review of product certificates</i></p> <p>Reg. 16: Annual review of product certificates</p>	<p><i>Part 3: Product certification body requirements</i></p> <p>3.4 Surveillance</p> <ul style="list-style-type: none"> › Rules 3.4.7 – 3.4.6 <p>3.5 Change in certificate holder</p> <ul style="list-style-type: none"> › Rule 3.5.1 <p><i>Part 4: Certificate holder requirements</i></p> <ul style="list-style-type: none"> › Rules 4.1-4.6 › Schedule 1: Use of the mark of conformity › Schedule 2: Use of the new mark of conformity
<p>271 Suspension or revocation of product certificate</p>		<p><i>Part 4: Certificate holder requirements</i></p> <ul style="list-style-type: none"> › Rules 4.7-4.8
<p>272 Notification to Chief Executive by registered PCB</p>		

Building Act 2004	Building (Product Certification) Regulations	CodeMark Scheme Rules 2022-1 and 2023-1
Registration of product certificates		
272A Registration of product certificates	<p><i>Content and annual review of product certificates</i></p> <p>Reg. 15: Content of product certificates</p> <p>Schedule 2: Content of product certificates</p> <p>Reg. 17: Fees</p> <p>Schedule 3 Fees: Part 2</p> <p>Proprietor of building product or building method</p>	<p><i>Part 3: Product certification body requirements</i></p> <p>3.3 Product certificates and certificate numbers</p> <ul style="list-style-type: none"> › Rule 3.3.1
272B Suspension of registration of product certificate		
272C Lifting of suspension of registration of product certificate		
272D Revocation of registration of product certificate		
<p>Also see:</p> <p>200-203C Disciplinary powers in relation to complaints</p> <p>208 Appeals to District Court</p> <p>272H Offence to misrepresent product certificate</p> <p>273 Chief Executive must keep registers</p> <p>274 Purpose of registers</p>		

Building Act 2004	Building (Product Certification) Regulations	CodeMark Scheme Rules 2022-1 and 2023-1
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Transitional, savings and related provisions

<p><i>Schedule 1AA Part 4</i></p> <p>9 Meanings of building product and building method</p> <p>10 Current PCBs have 6 months to become registered</p> <p>11 Current product certificates become registered</p> <p>12 Product certificates for building designs or building design methods</p>	<p><i>Schedule 1 Transitional, savings and related provisions</i></p> <p>1 Application for accreditation as product certification body made before 7 September 2022 but not decided before that date</p> <p>2 Fees for audits of accredited PCBs commencing before 7 September 2022 but not complete before that date</p>	
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Product certificates

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

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

Also refer to sections 272A-272D of the Act regarding the Chief Executive’s registration of product certificates and related actions. These actions include: suspension of registration for reasons including non-compliance with the scheme rules; lifting of suspension, and revocation of registration.

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