



## COVERSHEET

<b>Minister</b>	Hon Jenny Salesa	<b>Portfolio</b>	Building and Construction
<b>Title of Cabinet paper</b>	<b>Building (Product Certification) Amendment Regulations 2019</b>	<b>Date to be published</b>	28/10/2019

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
10/9/2019	Building (Product Certification) Amendment Regulations 2019	Office of the Minister for Building and Construction
10/9/2019	LEG-19-MIN-0129	Cabinet Office
12/12/2018	Updating the regulations for the CodeMark product assurance scheme	Office of the Minister for Building and Construction
12/12/2018	DEV-18-MIN-0308	Cabinet Office

### Information redacted

**NO** (please select)

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.



# Cabinet Economic Development Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### CodeMark Product Assurance Scheme: Proposed Amendment Regulations

**Portfolio**                      **Building and Construction**

On 12 December 2018, the Cabinet Economic Development Committee

#### Background

- 1        **noted** that the Ministry of Business, Innovation and Employment has sought stakeholder feedback on proposals to amend the Building (Product Certification) Regulations 2008 (the Regulations);
- 2        **noted** that the stakeholder feedback was broadly supportive of the proposals outlined in the paper under DEV-18-SUB-0308;

#### Proposed amendments

- 3        **agreed** to amend the Regulations to improve the quality of product evaluations by Product Certification Bodies and the information provided on CodeMark certificates by:

##### **Standards and criteria for accreditation assessments and audits of PCBs**

- 3.1      replacing the references to Guide 65 in the Regulations with the requirement that a Product Certification Body (PCB) must comply with all the requirements of *ISO/IEC 17065:2013 Conformity assessment – Requirements for bodies certifying products processes and services* (ISO 17065 Conformity assessment);
- 3.2      creating an additional requirement so that, within 24 months of the Regulation coming into effect, all testing facilities used by PCBs are accredited against *ISO 17025 General requirements for the competence of testing and calibration laboratories* (ISO 17025 Requirements for laboratories);
- 3.3      creating a requirement that testing facilities used by PCBs must have the standards applicable for the products or systems they are testing in their scope of accreditation;
- 3.4      creating an additional requirement that all PCBs are accredited under *ISO 9001:2015 Quality Management Systems – Requirements* (ISO 9001 Quality Systems), within 12 months of the regulation coming into effect;

**Standards and criteria against which products are evaluated**

- 3.5 clarifying clause 10(a) of the Regulations to require that a product must comply with the New Zealand Building Code clauses relevant to the product's intended use;
- 3.6 updating clause 11(2)(c) of the Regulations to refer to ISO 10005: 2018 Quality management – Guidelines for quality plans;

**Requirements for product certificates**

- 3.7 amending clause 14 of the Regulations to require:
  - 3.7.1 a simple, plain English description of the product and statement of the intended use(s) of the product;
  - 3.7.2 a list of the specific, relevant New Zealand [Building Code](#) clauses with which the product complies, which must include references to Code clauses *B2 Durability* and *F2 Safety of users*;
  - 3.7.3 the certificate holder's New Zealand trading name(s), address for service, and website, email and telephone number;
  - 3.7.4 the Product Certification Body's contact details;
  - 3.7.5 signatures of the Product Certification Body's authorised representative and the person or persons assigned by the Product Certification Body to make the certification decision;
  - 3.7.6 a list of compliance pathways the product is compliant with; and:
    - 3.7.6.1 any conditions or limitations for each individual performance requirement the product is compliant with;
    - 3.7.6.2 installation instructions, including any skills or qualifications needed to install the product, any health, safety and wellbeing declarations associated with installation, known situations in which the product should not be used, maintenance and use of the product;
    - 3.7.6.3 the tests and evaluations, and any other documents that were used to prove compliance;
  - 3.7.7 adding a requirement that if any of the above information does not fit on the body of the certificate, further detail must continue in the schedule to the certificate;
- 4 **agreed** to repeal clauses 14(1)(e), 14(1)(g) and 14(1)(l) of the Regulations;

**General**

- 5 **invited** the Minister for Building and Construction to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs;
- 6 **authorised** the Minister for Building and Construction to decide, if required, minor and technical matters that arise during the drafting process, consistent with the policy decisions outlined in the paper under DEV-18-SUB-0308;

7 **noted** that the Ministry of Business, Innovation and Employment will undertake targeted consultation on the draft of the updated Regulations.

Janine Harvey  
Committee Secretary

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**Present:**

Rt Hon Winston Peters  
Hon Kelvin Davis  
Hon Grant Robertson (Chair)  
Hon Phil Twyford  
Hon Dr Megan Woods  
Hon David Parker  
Hon Nanaia Mahuta  
Hon Iain Lees-Galloway  
Hon Jenny Salesa  
Hon Damien O'Connor  
Hon Shane Jones  
Hon Kris Faafoi  
Hon Eugenie Sage

**Officials present from:**

Office of the Prime Minister  
Officials Committee for DEV

**Hard-copy distribution:**

Minister for Building and Construction

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