

**BUILDING
PERFORMANCE**

Proposed CodeMark mark of conformity transition period

CONSULTATION DOCUMENT

NOVEMBER 2022



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

Te Kāwanatanga o Aotearoa
New Zealand Government



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

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.

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Information, examples and answers to your questions about the topics covered here can be found on our website: www.mbie.govt.nz or by calling us free on: **0800 20 90 20**.

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How to have your say

The Ministry of Business, Innovation and Employment (MBIE) seeks written submissions on the proposed CodeMark mark of conformity transition period by **5pm on 23 December 2022**.

Where possible, please include in your submission evidence to support your views – for example, references to independent research, facts and figures, or relevant examples.

- You can provide your feedback by completing a survey online via www.mbie.govt.nz/have-your-say or
- You can download a form at www.mbie.govt.nz/have-your-say and either:
 - email the completed form to building@mbie.govt.nz with the subject line ‘**CodeMark mark of conformity consultation 2022**’, or
 - post it to:
CodeMark mark of conformity consultation 2022
Building System Performance
Building Resources and Markets
Ministry of Business, Innovation and Employment
PO Box 1473, Wellington 6140
New Zealand

If you have any questions about the submissions process, please email us at building@mbie.govt.nz.

Use and release of information

The information provided in submissions will contribute to MBIE’s ongoing development of the CodeMark scheme. We may contact submitters directly if we require clarification of any matters in submissions.

Your submission will also become official information, which means it may be requested under the Official Information Act 1982 (OIA). The OIA specifies that information is to be made available upon request unless there are sufficient grounds for withholding it. If we receive a request, we cannot guarantee that feedback you provide us will not be made public. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.

Please set out clearly in the cover letter or email accompanying your submission if you have any objection to the release of any information in the submission and, in particular, which parts you consider should be withheld and reasons for withholding this information. MBIE will take such objections into account and consult with submitters when responding to requests under the OIA.

Private information

The Privacy Act 1993 establishes certain principles with respect to the collection, use and disclosure of information about individuals by various agencies, including MBIE. Any personal information you supply to MBIE in the course of making a submission will only be used for the purpose of assisting in the development of the CodeMark scheme rules. Please clearly indicate in the cover letter or email accompanying your submission if you do not wish your name or any other personal information to be included in any summary of submissions that MBIE may publish.

Contents

How to have your say 3

Contents..... 4

Seeking your feedback on the proposed transition to the new CodeMark mark of conformity 5

Appendix: Proposed scheme rules for use of the CodeMark mark of conformity 10

1. Seeking your feedback on the proposed transition to the new CodeMark mark of conformity

CodeMark is a voluntary product certification scheme that provides an easily understood and robust way to show a building product or building method meets the requirements of the New Zealand Building Code.

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

The BuiltReady and CodeMark schemes offer deemed to comply building consent pathways along with MultiProof, which is a statement by MBIE that a set of plans and specifications for a building complies with the Building Code.

The introduction of BuiltReady along with the revision of the CodeMark scheme provided an opportunity to review and propose a new brand visual identity for CodeMark to bring it in line with BuiltReady and MultiProof.

As CodeMark has scheme rules which specify requirements on how the CodeMark brand – the mark of conformity – must be used on certified products, MBIE is proposing a transition period to allow product certification bodies, certificate holders, manufacturers, and suppliers sufficient time to change over to the new CodeMark brand. The purpose of this consultation is to seek feedback from affected parties on whether the proposed transition is a sufficient timeframe to implement the new mark of conformity.

1.1. Reasons for change

The Building (Building Products and Methods, Modular Components, and Other Matters) Amendment Act 2021 (the Building Amendment Act) introduced a new certification scheme for modular component manufacturers (BuiltReady), and also made changes to strengthen the existing CodeMark product certification scheme. The proposed revisions to the CodeMark scheme rules opened for public consultation in April 2022 and the finalised scheme rules commenced on 7 September 2022.

Along with the CodeMark and BuiltReady certification schemes, MBIE also administers MultiProof, which is a statement by the MBIE that a set of plans and specifications for a building complies with the Building Code. CodeMark, BuiltReady and MultiProof all provide evidence of compliance with the Building Code for building consent authorities. The aim of the three schemes is to alleviate pressure in the consenting system by providing streamlined, robust and trustworthy compliance options for manufacturers, suppliers, builders, designers and consumers.

With the introduction of the BuiltReady scheme, MBIE needed to create a new brand name and visual identity for the scheme. This provided an opportunity to also review and propose new brand visual identities for the CodeMark and MultiProof schemes in order to have a cohesive identity across the three schemes, as they all can be used together as deemed to comply pathways. For example, a CodeMark certified building product could be used in conjunction with a MultiProof design approval or a BuiltReady manufacturer's certificate to reduce the consent processing time, and even the number of inspections a building consent authority may require.

CodeMark, BuiltReady and MultiProof also provide marketing advantages for participants. As government backed schemes, they provide confidence that innovative building products and designs have been rigorously evaluated and their performance monitored. Certified users of the CodeMark and BuiltReady schemes can also use the new brands for advertising and marketing purposes.

The new brand visual identities for the three schemes have now been developed, incorporating CodeMark, BuiltReady and MultiProof together into one brand family. As CodeMark is the only scheme that requires that the brand be added to all certified products, the current brand needs to be transitioned out and replaced with the new visual identity.



1.2. The CodeMark mark of conformity

In the CodeMark scheme, the CodeMark brand is used as a **mark of conformity**. This means that the brand signifies that the building product or building method has a valid CodeMark product certificate. The mark of conformity must only be used by scheme participants (the accreditation body, accredited product certification bodies, and certificate holders), and only in accordance with the CodeMark scheme rules.

As part of the implementation work for the new CodeMark brand, MBIE have carefully considered the implications of changing the mark of conformity, as certificate holders are required to apply the mark either directly on the certified building product or building method or indirectly to the associated packaging or marketing material. As the scheme rules relating to the current CodeMark mark of conformity will be changed to incorporate the new brand, we are proposing a transition period for scheme participants to minimise any adverse impacts.

The purpose of this consultation is to seek feedback from affected parties on whether the proposed transition is a suitable timeframe to implement the new mark of conformity requirements.

1.3. Proposed changes to CodeMark scheme rules: Schedule 1: mark of conformity

The [CodeMark scheme rules](#) contain requirements for using the CodeMark mark of conformity including acceptable formats. The accreditation body, accredited product certification bodies, and certificate holders must ensure their use of the mark of conformity is in accordance with *Schedule 1: Use of the mark of conformity* in the scheme rules.

CodeMark certificate holders must ensure that the mark of conformity is marked on or is attached to every certified building product or building method that is a tangible product.

The certificate holders can either apply the mark of conformity directly (for example, by stamping or printing) or indirectly, by putting the mark of conformity on associated packaging or marketing material. They can only use or refer to CodeMark in relation to a certified product or method with a current product certificate.

The scheme rules also specify that 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 proposed changes to the CodeMark scheme rules: *Schedule 1: Use of the mark of conformity* will replace the existing mark of conformity (which is a registered trademark) with the new mark of conformity formats and colour options. All other requirements relating to the use of the mark of conformity aside from the new format and colour options will generally remain the same. The proposed mark of conformity scheme rules are detailed in Appendix 1 *Schedule 1b: Use of the mark of conformity*.

1.4. Proposed transition period for certificate holders

As the CodeMark mark of conformity must be either directly or indirectly placed on the certified building product or building method, a transition period is proposed to allow:

- certificate holders ample time to organise the implementation of new packaging and/or other printing requirements and
- other scheme participants to change over to the new brand.

MBIE proposes that all scheme participants must meet all new requirements relating to *Schedule 1b: Use of the mark of conformity* by **1 September 2025**, although they can transition earlier if they wish. The proposed transition timeline is as follows:

Transition Phase	Start date	End date	Detail
Preparation	January 2023	End of February 2023	This time period will allow scheme parties to get ready for the transition to the new brand. For example, product certification bodies can communicate with their certificate holders regarding the

Proposed CodeMark mark of conformity transition

			new mark of conformity requirements during this period and can provide them with the new brand imagery.
Transition of product produced with new mark of conformity	1 March 2023	1 Sept 2024	Scheme participants can begin using the new brand according to <i>Schedule 1b: Use of the mark of conformity</i> in the CodeMark scheme rules at any time after 1 March 2023.
Transition of product marked with old mark of conformity	1 Sept 2024	1 Sept 2025	All product produced and packaged after 1 Sept 2024 must be marked with the new mark of conformity. By 1 Sept 2025, any remaining stock marked with old brand must be withdrawn from sale and/or repackaged with new brand.
Transition period end		1 March 2026	All product available must have the new mark of conformity. Enforcement that the old mark of conformity has been removed from certified products will come into effect from this date.

The proposed scheme rules regarding the new mark of conformity requirements (including the transition timeline outlined above) will be made and published before the transition period begins on 1 March 2023 to allow scheme participants time to prepare for the new requirements. MBIE will also produce some guidance on the transition arrangements and use of the new mark of conformity.

1.5. Mark of conformity transition period questions

- 1-1. Do you agree that the proposed transition period is sufficient time for scheme participants to implement the new CodeMark mark of conformity requirements for any product produced and packaged after 1 Sept 2024?
- 1-2. Do you consider 1 September 2025 a reasonable deadline for certificate holders to have changed all product packaging over to the new mark of conformity including all existing product at the various points of supply chain?
- 1-3. Do you have any other feedback regarding where the mark of conformity is currently being used, and what the impact of the new mark of conformity is for each of those uses?

Appendix: Proposed scheme rules for use of the CodeMark mark of conformity









1.6. Schedule 1(b): Use of the mark of conformity

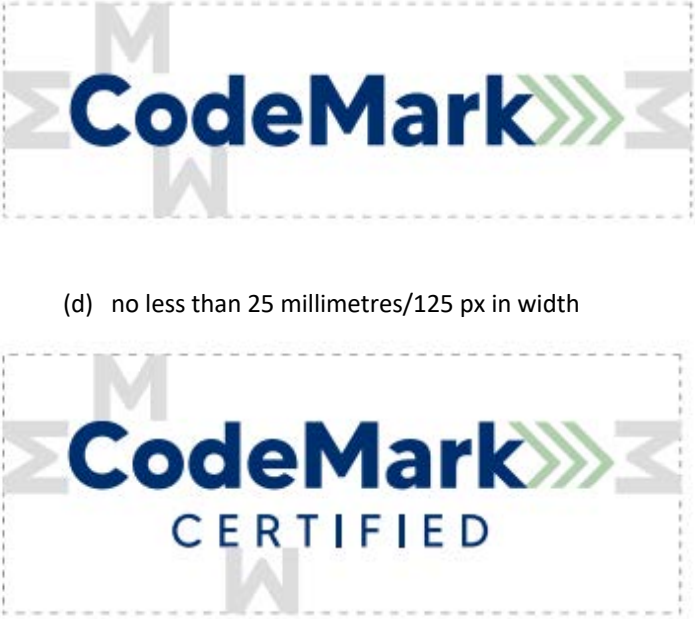

This Schedule contains requirements for using the CodeMark mark of conformity including acceptable formats.

The current *Schedule 1: Use of the mark of conformity* scheme rules can be accessed on the [CodeMark](#) page on the Building Performance website (www.building.govt.nz). The following is the proposed Schedule 1(b) scheme rules with the new CodeMark mark of conformity format and colour options.

The current Schedule 1 can be used until 1 September 2024.

S1(b) Use	
S1.1.	<p>The transition arrangements for this Schedule are as follows:</p> <ul style="list-style-type: none"> (a) Schedule 1(b) can be used from 1 March 2023; (b) Schedule 1(b) 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 1(b) by 1 March 2026.
S1.2.	<p>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:</p> <ul style="list-style-type: none"> (a) directly by stamping, printing, moulding, etching or labelling; or (b) indirectly to the associated packaging or marketing material.
S1.3.	<p>A certificate holder may accompany the mark of conformity (eg on packaging or marketing material) with either of the following statements:</p> <p style="text-align: center;">“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.”</p> <p style="text-align: center;">OR</p> <p style="text-align: center;">“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].”</p>

S1.4.	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.
S1.5.	The accreditation body and registered PCBs may use the mark of conformity on documents or other material associated with the CodeMark scheme.
S2 Format	
S2.1.	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.
S2.2.	<p>The mark of conformity must be rendered in one of the acceptable formats shown in Figure 3.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  </div> <div style="text-align: center;">  </div> </div> <p>(a) Pantone 294 and Pantone 2260 or equivalent</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  </div> <div style="text-align: center;">  </div> </div> <p>(b) Reversed version with Pantone 294 and Pantone 2260 or equivalent</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  </div> <div style="text-align: center;">  </div> </div> <p>(c) White on a black background</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  </div> <div style="text-align: center;">  </div> </div> <p>(d) Black on a white background</p> <p><i>Figure 1: Format and colour options for the mark of conformity</i></p>

<p>S2.3.</p>	<p>The mark of conformity must be reproduced:</p> <ul style="list-style-type: none">(a) no less than the minimum sizes outlined in Figure 4;(b) with a minimum clear space on all sides as illustrated in Figure 4; and(c) without adjusting the proportions or any part of the mark of conformity.  <ul style="list-style-type: none">(d) no less than 25 millimetres/125 px in width(e) no less than 27 millimetres/135px in width <p><i>Figure 2: Minimum size and clear space for the mark of conformity</i></p>
<p>S2.4.</p>	<p>The acceptable format for any use of the mark of conformity in conjunction with a certificate number must be as shown in Figure 5.</p>  <p><i>Figure 3: Certificate number used in conjunction with the mark of conformity</i></p>
<p>S2.5.</p>	<p>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.</p> <p>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.</p>

Proposed CodeMark mark of conformity transition

(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:



	<p>(d) 80% tint Pantone 2260 on Pantone 2260 background or equivalent:</p>  <p><i>Figure 6: Colour options for the CodeMark icon</i></p>
S2.6.	<p>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:</p>  <p>(a) Pantone 294 and reversed logo</p> <p><i>Figure 7: Format of the CodeMark certified button</i></p>
S2.7.	<p>The mark of conformity may be used with or without the ® symbol that indicates its status as a registered trade mark.</p>
S2.8.	<p>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.</p>

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