

Building Product Information Requirements

**Guide to complying with the Building (Building Product Information Requirements)
Regulations 2022**

VERSION 1



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 guidance for building product information requirements is produced by MBIE's 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**.

Disclaimer

This document is a guide only. It should not be used as a substitute for legislation or legal advice. The Ministry of Business, Innovation and Employment (MBIE) is not responsible for the results of any actions or omissions taken on the basis of information in this document, or for any errors or omissions in the document. MBIE disclaims to the extent permitted by law, all liability (including negligence) for claims of losses, expenses, damages and costs arising as a result of the use of this guidance. Use of this document does not relieve any person of the obligation to consider any matter to which that information relates according to the circumstances of the particular case.

First published March 2023

ISBN 978-1-99-104167-8 (online)

More information

www.building.govt.nz

0800 24 22 43

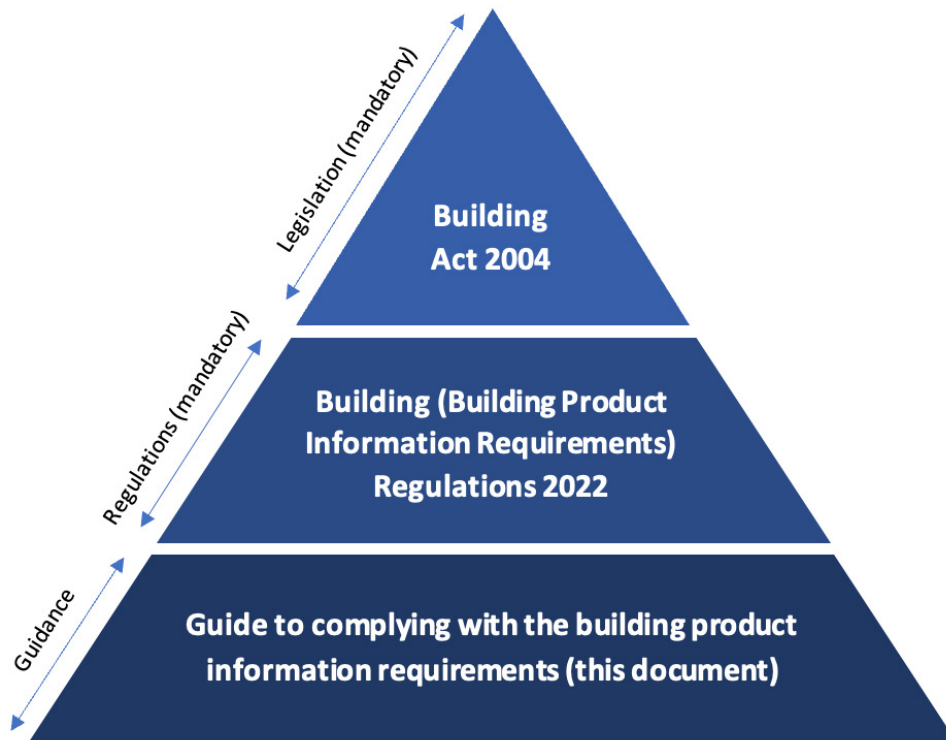
©Crown Copyright

The material contained in this document is subject to Crown copyright protection unless otherwise indicated. The Crown copyright protected material may be reproduced free of charge in any format or media without requiring specific permission. This is subject to the material being reproduced accurately and not being used in a derogatory manner or in a misleading context. Where the material is being published or issued to others, the source and copyright status should be acknowledged. The permission to reproduce Crown copyright protected material does not extend to any material in this report that is identified as being the copyright of a third party. Authorisation to reproduce such material should be obtained from the copyright holders.

Preface

This guidance has been issued by MBIE's Building System Performance branch. Figure 1 below illustrates where this guidance document sits within the building regulatory system.

Figure 1



Features of this document

Words in *italic* are defined at the end of this document in [Appendix 4\) Glossary of key terms](#).

Hyperlinks are provided to cross-reference within this document and to external websites. These hyperlinks appear with a [blue underline](#).

Limitations of this guidance

This document is a general guide to support those involved in the implementation of the [Building \(Building Product Information Requirements\) Regulations 2022](#) (the regulations)

It covers the relevant aspects of the Building Act 2004 and the regulations and is not intended to replace them.

While MBIE has taken great care in preparing this guide, it provides guidance only and should not be used to establish compliance with all the requirements of the [Building Act, Schedule 1 of the Building Regulations 1992](#) (the Building Code), or the [regulations](#). Readers must refer to the Building Act, Building Code, and the regulations as their primary source documents, and be aware that for specific situations or problems, it may be necessary to seek independent legal advice.

All building work must comply with the Building Code, which is performance-based in that it sets the minimum standards that building work must perform to, but not how to meet them. Products and materials used in building work contribute to compliance with the Building Code. The regulations require manufacturers and importers to state which Building Code clauses apply to their product. Manufacturers and importers of a building product should consider the stated scope and limitations of a building product when making claims about how their products will contribute to Building Code compliance.

There are a large number of building products in Aotearoa New Zealand. A limited list of commonly used building products that are likely to be class 1 or class 2 products is provided in the regulations and in [step 3](#) of this guidance. *Responsible persons* should refer to [section 4](#) of this guidance, as well as the regulations themselves to determine whether or not the product in question is a designated building product, and whether it meets the criteria for a class 1 or class 2 product.

Contents

- 1. Purpose..... 4**
- 2. Who is this guidance for?..... 5**
- 3. Background..... 6**
 - Why the regulations were made..... 6
- 4. How to comply with the regulations 7**
 - STEP 1 - Determine whether a building product you manufacture, sell, or intend to use is impacted by the regulations 8
 - Building products impacted by the regulations 8
 - Building products not impacted by the regulations (exceptions) 8
 - STEP 2 - Determine whether you or your organisation meets the definition of a 'responsible person' 11
 - STEP 3 - Determine whether you have a class 1 or class 2 designated building product..... 12
 - Class 1..... 12
 - Class 2 13
 - STEP 4 - Ensure the information disclosure requirements are met..... 14
 - STEP 4a - Manufacturer and importer requirements 14
 - STEP 4b - Wholesaler, retailer and distributor requirements 20
- 5. Roles and responsibilities 26**
 - MBIE..... 26
 - Building consent authorities..... 27
 - Designers 27
 - Tradespeople..... 28
 - Consumers 28
- 6. Non-compliance with the regulations 29**
 - Failure to comply with building product information requirements 31
 - False or misleading representations in relation to building products..... 32
 - Defences for offences against non-compliance or providing false or misleading information 32
 - Notice to take corrective action..... 35
 - Compliance with notice to take corrective action..... 35
- 7. Appendices 36**
 - 1) Examples of information that must be disclosed for class 1 and class 2 designated building products..... 36**
 - Class 1 and 2 examples 36
 - Blank template 36
 - 2) Information that must be disclosed for class 1 designated building products..... 37**
 - 3) Information that must be disclosed for class 2 building products..... 39**
 - 4) Glossary of key terms..... 41**

1. Purpose

The primary purpose of this guidance document is to support manufacturers, wholesalers, retailers, or other distributors of building products with their understanding of the building product information regulations.

This document may also be useful for designers, building consent authorities, tradespeople, and consumers. The information more relevant for these groups can be found in [section five](#) of this guidance.

The regulations can be found on the [New Zealand legislation website](#).

This guidance seeks to:

- act as a guide to the regulations and the [Building Act](#) as it relates to building product information requirements
- provide background information about the regulations and why they were made
- describe and explain what steps manufacturers, wholesalers, retailers, or other distributors of building products should take to understand whether the regulations apply to them and, if they do, how they can comply with the regulations
- outline the roles and responsibilities of key groups
- clarify MBIE's role as a building regulator
- outline what offences and penalties [responsible persons](#) may face if they do not meet their responsibilities under the Building Act and the regulations
- provide definitions and explanations of key terms/concepts used in the regulations and this guidance.

What the law says:

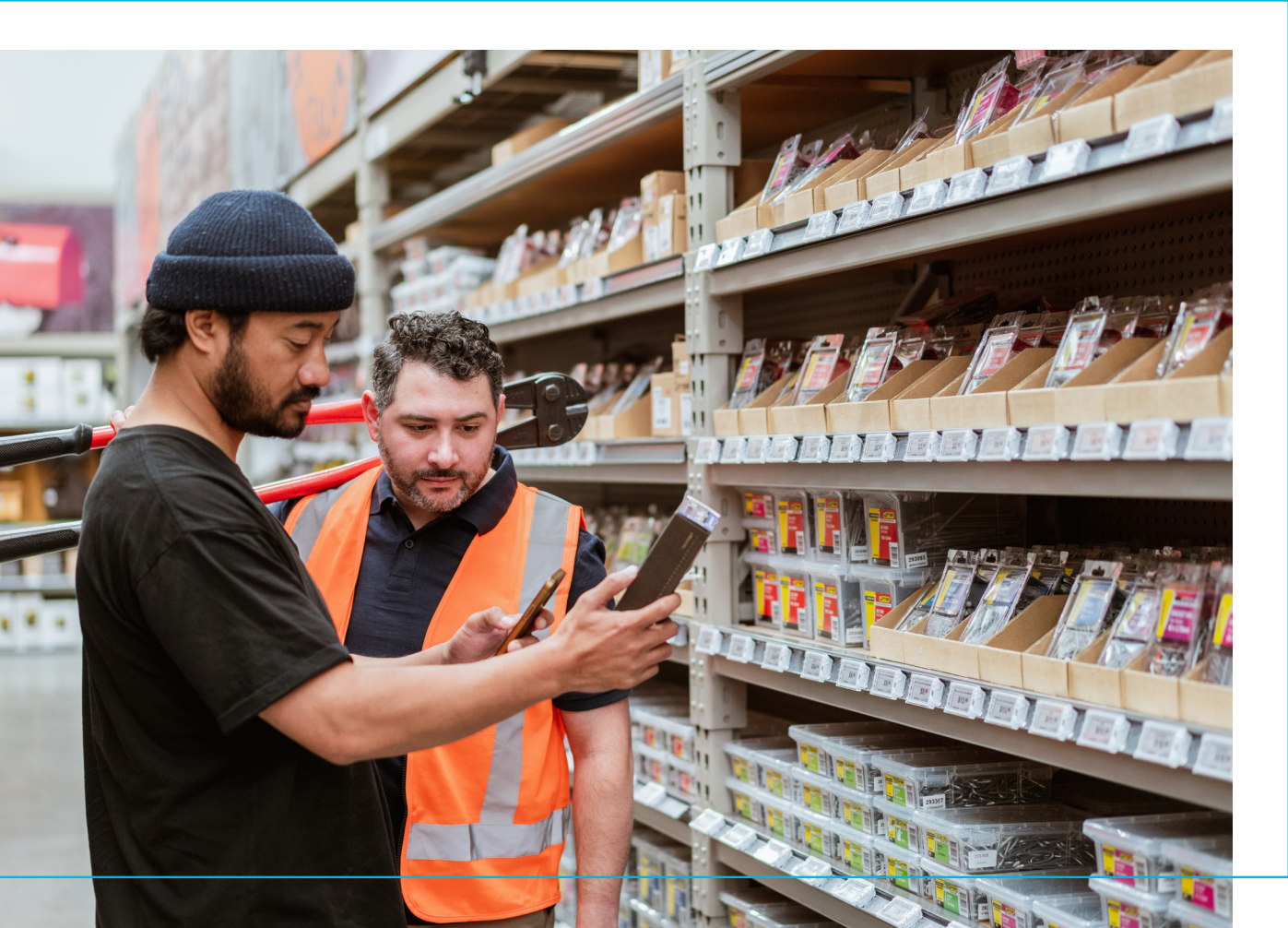
Sections [362VA](#), [362VB](#), [362VC](#), [362VD](#), [362VE](#), and [362VF](#) of the Building Act 2004 relate to building product information requirements.

2. Who is this guidance for?

This guidance is for:

- manufacturers or importers of designated building products
- wholesalers, retailers, and distributors of designated building products
- designers, building consent authorities, and tradespeople and consumers who want to understand more about the minimum level of product information that must be disclosed for designated building products.

[Section five](#) of this guidance has more information about the roles and responsibilities of these groups.



3. Background

The Building Amendment Act 2021 introduced new minimum information requirements for building products to support better informed decision-making by building consent authorities, building owners, builders, and designers. The new regulations designate a number of building products for which building product information must be provided and establish the minimum requirements for that information.

Why the regulations were made

Building products contribute to safe and durable buildings and yet, until now, the level and type of information provided by manufacturers and importers has been variable.

Building consent authorities can request further information about products specified in a building consent application if there is not enough evidence to show compliance with relevant Building Code clauses. This can result in delays in processing an application, and potentially lead to additional costs for the applicants.

In addition, an increase in the range and complexity of building products and building methods, as well as the availability of cheaper alternatives, has increased the risk of buildings not meeting the performance requirements of the Building Code. This has been due to products being used that are not fit for purpose, or not being used in accordance with how manufacturer intended.

The regulations apply to building products that contribute to the overall compliance of building work with the Building Code, with the exception of products that meet the criteria in [regulation 7](#) of the regulations.

Information on these products will help designers, builders and consumers choose the right products, install them in the correct way and make informed decisions about using alternative products where there are product shortages.

Building consent authorities must be satisfied on reasonable grounds that building work, including the products used, will comply with the performance requirements of the Building Code. The new regulations will ensure better and more consistent information is available for these products, helping inform building consent authority decisions on building consent applications. This should result in fewer requests for information, and therefore faster processing times.

In addition, the requirements will ensure people, including homeowners, are given the information they need to make good decisions about products, and use and maintain them as intended.

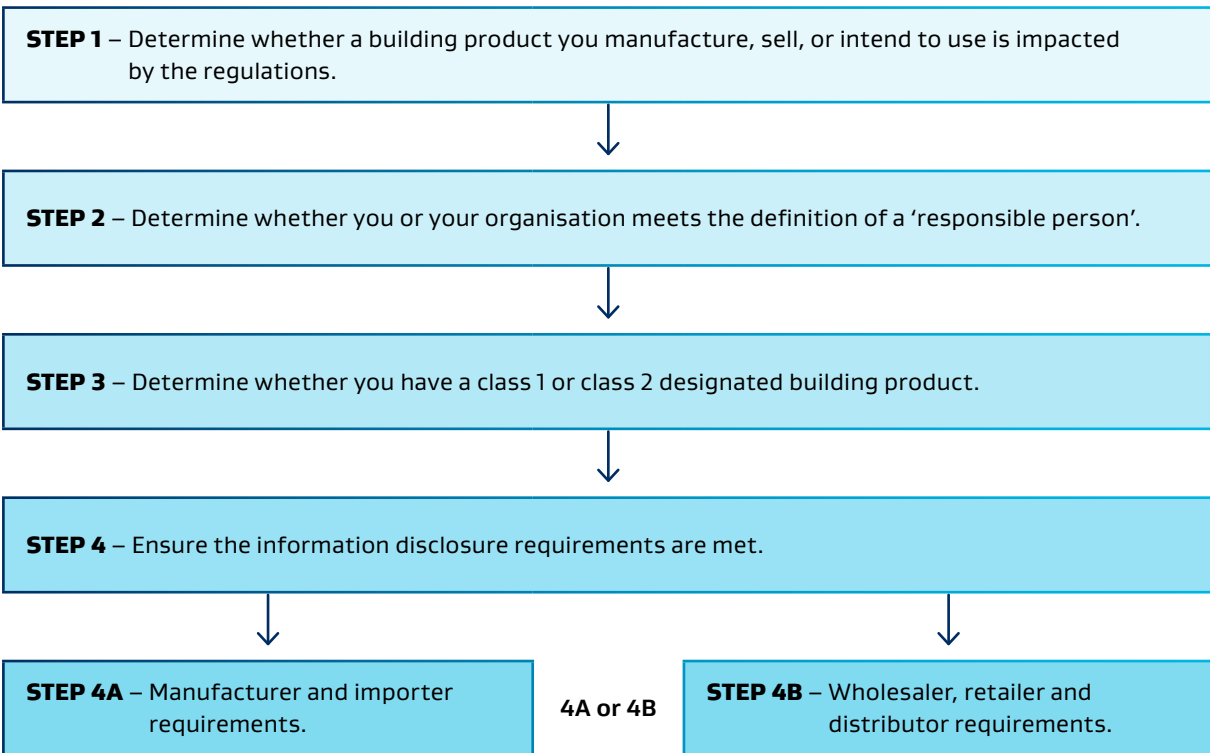
The changes made to the Building Act 2004, and the creation of the regulations, are just one part of a broader suite of building system reforms, which aim to lift the efficiency and quality of building work, and provide fairer outcomes if things go wrong.

4. How to comply with the regulations

The regulations will ensure there is a minimum and consistent level of product information available to designers, building consent authorities, tradespeople, and consumers. [Section five](#) of this document contains information that is particularly relevant for these groups.

Figure 2 below provides an overview of the key steps that manufacturers, importers, wholesalers, retailers, or other distributors of building products should work through to understand whether the regulations apply to them, and if they do, what they need to do to comply with the regulations.

Figure 2: Key steps for manufacturers, importers, wholesalers, retailers, or distributors:



STEP 1 – DETERMINE WHETHER A BUILDING PRODUCT YOU MANUFACTURE, SELL, OR INTEND TO USE IS IMPACTED BY THE REGULATIONS

The first step is to determine whether a building product you manufacture, sell, or intend to use is impacted by the regulations. Building products that are impacted by the regulations are known as designated building products.

Building products impacted by the regulations:

The regulations only apply to designated building products that are manufactured in or imported into Aotearoa New Zealand on or after 11 December 2023.

The regulations will not be applied retrospectively, which in practice means that if a product is discontinued prior to 11 Dec 2023 then it is not impacted by the regulations. This also means that if a product has been manufactured or imported into Aotearoa New Zealand prior to 11 December 2023, and it is subsequently available to purchase via a wholesaler, retailer, or distributor, then it is not impacted by the regulations.

For example, an importer brings in a shipment of bolts into Aotearoa New Zealand prior to 11 December 2023, and these are subsequently sold via a retailer. In this case, this specific shipment/stock of bolts would not be impacted by the regulations, but any that are imported post 11 December 2023 will be.

For a building product to be impacted by the regulations, it needs to be either mass-produced or produced in batches to a general specification, or based on a line of products where each unit is customised to the specification of an individual client (see [step 3](#) for more information).

The regulations only apply to new products. If a used product is installed in a building, then it still needs to comply with the relevant Building Code requirements but will not need to comply with the building product information requirements as outlined in this guidance and the regulations.

The regulations only apply to building products that, when used in building work, may affect whether the building work complies with the Building Code. If a manufacturer or importer intends for a particular product to be used in building work where Building Code compliance is a factor, then it is a designated building product for the purpose of the regulations. This includes products that are intended or expected to be used both in situations where the Building Code applies and where it does not.

Building products not impacted by the regulations (exceptions):

If a building product meets any of the following criteria, then it is not a designated building product and is not impacted by the regulations:

- A building product that is registered under the CodeMark scheme.

Note that if a product certificate has been suspended or withdrawn from the CodeMark scheme, then the product no longer has a current and valid certificate and therefore may be impacted by the regulations if the relevant criteria are met.

Appraisals (eg [BRANZ](#)) or certifications (eg [WaterMark](#)) may provide people with confidence about the building product or system, but they do not mean the product is exempt from the regulations. Products with these evaluations may still be impacted by the regulations if the relevant criteria are met.

- A building product that is a modular component manufactured by a registered modular component manufacturer. See the Building Performance website for more information about [BuiltReady](#), which is the name for the modular component manufacturer scheme - building.govt.nz/building-code-compliance/product-assurance-and-certification-schemes/builtready/about-builtready

Note that if a modular component is produced outside of the BuiltReady scheme and it has Building Code compliance requirements, then it may still be impacted by the regulations if the relevant criteria are met.

- A temporary building product (for example, scaffolding, barriers or nets used during demolition or construction) that does not form part of the building when construction is completed.
- Frames and trusses manufactured in a different location from the building site where they are to be installed, and that are designed in accordance with the relevant [Acceptable Solutions](#) and [Verification Methods](#) issued under section 22(1) of the Building Act.

Note that the timber, connectors and any other components that make up the frame and/or truss are not automatically exempt from the regulations. That is, only the frame or truss is exempt from the regulations, not the individual components used during manufacture. Manufacturers of such components should refer to [Step 3](#) of this guidance to understand whether their products meet the definition of a designated building product.

- A building product that is a [gas appliance or a fitting](#).
- A building product that is an [electrical appliance or a fitting](#).

Products that are bespoke, one-off products are not intended to be captured by the regulations, ie products that are not based on a product line and are only produced for a specific project.

If your building product meets any of the criteria (exceptions) above, then it is not a designated building product and is not impacted by the regulations.

Examples of building products that do not meet the criteria to be defined as a designated building product:

- an electrical power socket or gas heater.
- general interior wall paint, adhesives, or sealants that are not intended to meet a specific Building Code requirement and are intended for cosmetic purposes only.

Note that paint that helps protect from fire or moisture would likely be deemed a designated building product (eg weathertight membrane paints). Manufacturers and importers will need to determine whether their specific product is likely to contribute to Building Compliance code in any of its intended uses.

What the law says:

Regulation 7 of the regulations - Building products to which these regulations do not apply

This regulation prescribes the criteria for building products to which the regulations do not apply.

Section 22(1) of the Building Act 2004 - Acceptable solution or verification method for use in establishing compliance with building code

- 1) The chief executive may, by notice in the Gazette, issue an acceptable solution or a verification method for use in establishing compliance with the building code.

Section 272A of the Building Act 2004 - Registration of product certificates

- 1) The chief executive must register a product certificate if satisfied that—
 - a) the certificate—
 - i) is in the form (if any) approved by the chief executive; and
 - ii) includes the prescribed information (if any); and
 - b) the proprietor of the building product or building method to which the certificate relates has paid the prescribed fee (if any).
- 2) As soon as practicable after receiving notice under section 272 of the issue of a product certificate, the chief executive must—
 - a) decide whether to register the certificate; and
 - b) notify the issuing registered PCB and the proprietor of the decision (including the reasons, if the certificate is not registered).

Next step:

Once you have determined whether a building product you manufacture, sell, or intend to use is impacted by the regulations, refer to [step 2](#) of this guidance to determine whether you or your organisation meets the definition of a [responsible person](#).



STEP 2 – DETERMINE WHETHER YOU OR YOUR ORGANISATION MEETS THE DEFINITION OF A ‘RESPONSIBLE PERSON’

The second step is to determine whether you or your organisation meets the definition of a [responsible person](#).

When it comes to designated building products, the regulations provide definitions for two different types of responsible persons:

1. Manufacturer or importer of the building product

- This responsible person is defined in the regulations as the person living, or incorporated, in Aotearoa New Zealand who is the manufacturer or importer of a designated building product.

The next steps in this guidance will help you determine whether you manufacture or import designated building products, what class they are, and what responsibilities you have as per the regulations.

2. Wholesaler, retailer, or distributor of the building product

- This responsible person is defined in the regulations as each of the persons living, or incorporated, in Aotearoa New Zealand who sell a designated building product by wholesale or retail, or otherwise distribute the building product.

This responsible person also includes people or organisations who are selling products online.

The next steps in this guidance will help you determine whether you sell or distribute designated building products, what class they are, and what responsibilities you have as per the regulations.

These two responsible persons each have different [specified responsibilities](#) under the regulations. This includes when and how information must be disclosed, and what they must do when it comes to reviewing, updating, and maintaining the information. Refer to [step 4a](#) and [step 4b](#) of this guidance for more information.

A manufacturer or importer may have obligations under both definitions of responsible person, ie where they allow for retail purchases, as well as wholesale to merchants or other distributors.

If you are concerned a responsible person is not meeting their obligations under the regulations, you can contact MBIE by emailing products@mbie.govt.nz.

When the regulations do not apply

The regulations do not apply to individuals or organisations who do not live or are not incorporated in Aotearoa New Zealand.

The regulations do not apply if the products you produce, import, supply or sell are not determined to be designated building products. See [step 1](#) for more information.

For example, picture hooks or cabinet handles would not meet the criteria to be designated building products. This means there is no minimum required information that must be disclosed for such products, as per the regulations.

Next step:

If you or your organisation do not meet the regulations' definition of a [responsible person](#), then no further action is required of you in relation to the regulations.

If however you have determined that the building product you manufacture, sell, or intend to use is impacted by the regulations ([step 1](#)), and that you or your organisation are a responsible person as per the regulations ([step 2](#)), the next step is to refer to [step 3](#) to determine if your product is a class 1 or class 2 designated building product.

STEP 3 – DETERMINE WHETHER YOU HAVE A CLASS 1 OR CLASS 2 DESIGNATED BUILDING PRODUCT

Once you have determined that a product is defined as a designated building product, as per the regulations, the next step is to determine whether you have a class 1 or class 2 product.

A designated building product cannot fall into both class 1 and 2.

Class 1

A class 1 designated building product is a building product that:

- is mass-produced or produced in batches to a general specification; and
- is available for wholesale or retail purchase; and
- is new (not used); and
 - used products are excluded via the definitions of class 1 and 2 designated building products ([regulations 5](#) and [6](#)). Anyone using these products should do their own due diligence to ensure they are suitable for the proposed use. Sufficient evidence would need to be supplied to demonstrate Building Code compliance to council as part of the consent application
- when it is used in building work, it may affect whether the building work complies with the Building Code; and
 - if there is a possibility that a particular Building Code clause or subclause obligation will be triggered by the use of the product, then this criteria is met
- is not a product of a kind described in [regulation 7](#).
 - See [Building products not impacted by the regulations \(exceptions\)](#) in step 1 of this guidance for more information.

Examples of class 1 designated building products include (without limitation):

- cladding (eg weatherboards, profiled metal cladding)
 - Cladding is often made up of several products that work together as a system.
 - If the cladding system meets the criteria listed above, then it is a class 1 product.
 - Some customisable cladding systems may meet the criteria for a class 2 product.
- mechanical fixings (eg nails, nail plates, screws, bolts, fasteners)
- insulation products (eg wall, ceiling and floor insulation)
- internal lining products (eg plasterboard, plywood)
- roofing products (eg profiled metal sheet, shingles, membrane roofing)
- structural wood-based products (eg structurally graded timber, laminated veneer lumber)
- structural steel and reinforcing products (eg reinforcing mesh)
- sanitary plumbing and drainage products, including tapware (eg shower mixers, bath spouts, toilets)
- low-pressure laminate and natural or engineered stone benchtops that are mass produced and contribute to compliance with the Building Code. Customised products of this kind may be class 2 designated building products
- fire doors and windows, fire alarms and sprinkler systems, unless these are customised for an individual building design or consumer. This includes products that may be made to customised measurements, for example, where the properties and how the product contributes to code compliance remains the same as specified in the building product's information
- concrete (eg bagged concrete or mixes where the components and ratios are predetermined)
- flashings, where these are "ready-made" and not customised for an individual building design or consumer

- most timber, even if cut to specific lengths for an individual building design or consumer, as the product's broad properties, and therefore the building product's information, will be the same in most cases
 - If changing the dimensions of a product changes the way it contributes to building code compliance, then it may be a class 2 product.

What the law says:

[Regulation 5](#) of the regulations prescribes the criteria for what makes a class 1 designated building product.

Class 2

A class 2 designated building product is a building product that:

- is based on a [line of products](#) where each unit is customised to the specification of an individual client; and
- is new (not used); and
 - used products are excluded via the definitions of class 1 and 2 designated building products ([regulations 5](#) and [6](#))
- when used in building work, it may affect whether the building work complies with the Building Code; and
 - if there is a possibility that a particular Building Code clause or subclause obligation will be triggered by the use of the product, then this criteria is met
- is not a product of a kind described in [regulation 7](#).
 - See [Building products not impacted by the regulations \(exceptions\)](#) in step 1 of this guidance for more information.

Examples of class 2 designated building products include (without limitation):

- external window joinery, doors, and skylights that have been customised to the specifications of individual clients (eg specifications on dimensions and glass type)
- customised concrete mixes for a specific building or application
- fire doors and windows (or other specialty doors), fire alarms or sprinkler systems that have been necessarily customised for an individual building design or consumer.

What the law says:

[Regulation 6](#) of the regulations prescribes the criteria for what makes a class 2 designated building product.

Next step:

Once you have determined whether the building product is a class 1 or class 2 designated building product, the next step is to understand what information you or your organisation must disclose.

If you are the manufacturer or importer of the building product, go to [step 4a](#).

If you are the wholesaler, retailer, or distributor of the building product, go to [step 4b](#).

STEP 4 - ENSURE THE INFORMATION DISCLOSURE REQUIREMENTS ARE MET

Step 4a - Manufacturer and importer requirements

This section is relevant to individuals or organisations that meet [paragraph \(a\)](#) of the definition of 'responsible person' in the regulations, being, in relation to a designated building product, the person living, or incorporated, in New Zealand who is the manufacturer or importer of the building product.

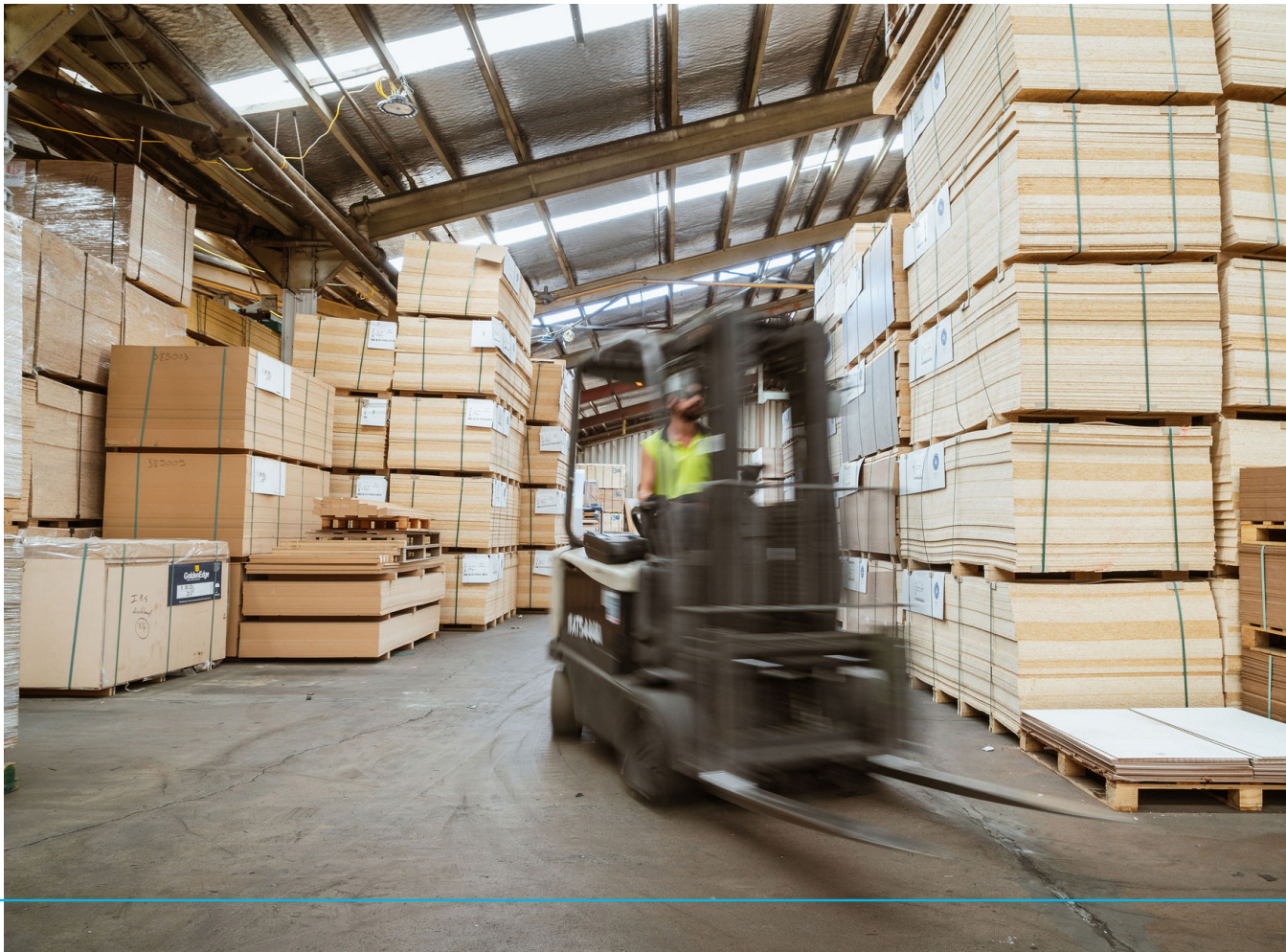
Wholesalers, retailers and distributors should go to [step 4b](#) of this guidance.

What information must be disclosed

The purpose of this section is to clarify and provide answers to questions raised by industry groups about the regulations. For a full list of the information that must be disclosed about a designated building product, see [appendices 2](#) and [3](#).

Most manufacturers and importers will hold the required information about their designated building product, but it may not be disclosed all in one place or in a way that is accessible, which means it may not currently meet the building product information requirements.

Under the regulations, manufacturers or importers of designated building products have a responsibility to collate and produce the required building product information and disclose it online in a way that is free of charge to the public.



Class 1 vs class 2 products

The information that must be disclosed will vary depending on whether the designated building product falls into class 1 or class 2.

Class 1: see [appendix 2](#) for a full list of what information must be disclosed (Schedule 1 of the regulations).

Class 2: see [appendix 3](#) for a full list of what information must be disclosed (Schedule 2 of the regulations).

While some information on building products is technical in nature, consideration should be given to presenting information in plain English or a format suitable for a wide variety of audiences. Links to technical reports and other relevant documents can be included for those seeking more detailed or technical information. Manufacturers or importers may consider improving the functionality of their websites to provide for this.

Building consent authorities can also still request additional information about a building product or how it is intended to be used within a building, to enable them to be satisfied on reasonable grounds that the work will comply with the Building Code.

Similar or identical products may be produced by several manufacturers (eg structural timber) and have the same stock keeping unit when in store. In these cases, industry associations may wish to provide and centralise the information for the multiple manufacturers.

Supporting resources

Class 1 and 2 examples

MBIE has developed examples for each product class to help manufacturers or importers understand how to provide the required product information as per the regulations.

These resources can be found [here](#).

Blank template

MBIE has also developed a blank template that can be used to input the required information into.

This resource can be found [here](#).

Products as a part of a system

Some products may be sold as individual components but need to be installed as part of a system to contribute to compliance with the Building Code.

In this case, it is sufficient for the system as a whole to have its own product information/disclosure as required by the regulations, rather than every individual product needing its own separate product information/disclosure. The individual products that make up the system should be listed in the description of the product. Responsibility sits with the manufacturer or importer of the system to provide the required information, rather than the individual manufacturer of the product component.

However, if the manufacturer's intention is that in addition to being used in a system, that the product can also be sold or used separately (eg when retrofitting windows, or replacing sprinkler head), then it will also need its own product information.

Examples

- Spouting is often made up of several products that work together as a system (brackets, stopends, joiners, outlets, nails, screws, etc).
- Cladding is also often thought of as a system and may comprise several products that must be compatible to contribute to Building Code compliance (external cladding (eg aluminium), battens, insulation, framing, hydro-windproof membrane, linings, etc).

Compliance with the Building Code

Manufacturers and importers will be responsible for stating all Building Code clauses that the product contributes to, that is, how the product may affect whether building work meets the Building Code requirements. Manufacturers and importers may choose to commission an appropriately qualified and experienced person or entity to do this on their behalf.

To support the use of appropriate products for particular applications, the intended scope of use, design requirements and installation requirements should address matters such as these. For example, “if used appropriately, fire collars may contribute to Building Code Clause C3.1 Fire affecting areas beyond the fire source.”

Level of detail required for Building Code compliance claims

The intent of the regulations is that manufacturers and importers state the relevant Building Code clauses that the product contributes to compliance of, including to the specific sub-clause or provision. This is because a product might not contribute to the entire clause.

For example, a cladding product installed as per its installation manual has been assessed to withstand wind pressures for various wind zones up to and including very high as per NZS 3604 and meets the requirements of B1.3.1 and B1.3.2. Refer to the [class 1 and 2 examples](#) found in the appendices for further guidance.

A range of evidence pathways such as an Australian/New Zealand Standard, or overseas compliance information (eg International Code Council – Evaluation Service Certificates, British Board of Agrément Certificates) may be appropriate, as long as the manufacturer or importer can demonstrate how this evidence ensures that the product contributes to the Aotearoa New Zealand Building Code clauses identified in the product’s information.

Proprietary information

Manufacturers or importers of building products are not being asked to disclose proprietary information in relation to Schedule 1 and 2 of the regulations. The information disclosed only needs to state which standard(s) the product complies with. For example, “the product has been tested in accordance with NZS 1234” or “manufactured in accordance with [relevant standard/system]”. Refer to the [class 1 and 2 examples](#) found in the appendices for further guidance.

Evidence to show that it meets the standard is not required to be included in the building product information itself. However, clients, designers, builders, or building consent officers may seek more information about a product to inform their decisions. Manufacturers and importers are encouraged to provide this information, when possible, but they aren’t obliged to do so.

It is an offence under [section 362VC](#) of the Building Act to make false, misleading, or unsubstantiated representations about a building product.

One set of information for multiple products (ie for a line of products)

Manufacturers and importers may consider having one set of information for multiple products, if the information and parameters of use are the same. This may occur for cosmetic differences, such as colour, but may also apply to products that are physically different, such as a product that is available in different thicknesses or lengths.

An example is a product line of windows, where the manufacturer has a suite of windows from which the designer can select the type or configuration, and then customise the size, pane thickness, window openings or latches and so on. The manufacturer may decide to have one set of product information for the product line, so long as they meet the same performance standards. This type of product as described here would likely be a class 2 designated building product, as each unit is customised to the specification of an individual client.

Other examples may include timber cladding or structural timber available in different lengths, plumbing product lines where the options have similar properties or perform in a similar way, and mechanical fixings of different dimensions.

Cautionary note – some building products will require specific testing to meet the performance requirements of the Building Code, which may mean that subsequent changes to how the product is manufactured may put the validity of such testing in question. Manufacturers should therefore consider the parameters of the initial testing and whether a product requires new or additional testing following any substantive changes. This may include a change in composition of materials, or changes to any dimensions that may be significant enough to impact performance of the product.

Manufacturers should consider having arrangements in place with their importers, wholesalers, retailers, and distributors, so that any applicable changes are passed on as they are made.

WaterMark certification

The [WaterMark Certification Scheme](#) is mandatory for plumbing and drainage products of a certain type in Australia. It confirms the product complies with the Plumbing Code of Australia, is fit for purpose and meets relevant Australian Standards.

Some of the information required in Schedule 1 and 2 of the regulations (see the [appendices](#)) is already included in a WaterMark certification.

A main benefit of the regulations for consumers is that they will have the prescribed information about the product all in one place. Therefore, when preparing the information required by the regulations, manufacturers or importers should endeavour to have the information about their product available in one location, and keep links to other webpages or resources to a minimum.

Nevertheless, products that have a WaterMark certification may reference a certification if it helps provide evidence (ie a Standard) required to support Schedule 1(d) and 2(d) statements in the regulations.

WaterMark certifications don't have information about the New Zealand Building Code, so manufacturers will need to provide a statement specifying the clauses of the Building Code that are relevant to the product (see [Schedule 1 \(d\)\(i\)](#) of the regulations).

Even if a product has a certification such as a watermark certification, the requirements in the regulations must still be complied with.

WaterMark has been used as an example, but the same approach may apply to other product certifications or appraisals.

What the law says:

What information must be disclosed

Regulation 8 of the regulations - Information disclosure: designated building products: class 1

Each responsible person must carry out their specified responsibilities in relation to the disclosure of the information specified in [Schedule 1](#), and in the way required by these regulations, for a designated building product: class 1.

Regulation 9 of the regulations - Information disclosure: designated building products: class 2

Each responsible person must carry out their specified responsibilities in relation to the disclosure of the information specified in [Schedule 2](#), and in the way required by these regulations, for a designated building product: class 2.

When information must be disclosed

The required information must be disclosed either before the product is available to purchase or order, depending on its class:

- For class 1 products, all responsible persons, including manufacturers and importers as well as wholesalers, retailers and distributors (combined responsibility), must ensure the required product information is disclosed before or when designated building products are offered for supply (ie either available to order from a wholesaler or other distributor, or available to purchase at a retailer).

- For class 2 products, all responsible persons, including manufacturers and importers as well as wholesalers, retailers and distributors, must ensure the required product information is disclosed before designated building products are available for order by a client.

What the law says:

When information must be disclosed

Regulation 10 of the regulations – Timing of information disclosure: designated building products: class 1

Each responsible person must ensure, to the extent of their specified responsibilities, that the required building product information for a designated building product: class 1 is disclosed either before or when the product is offered for supply by a wholesaler, retailer, or other distributor of the product.

Regulation 11 of the regulations – Timing of information disclosure: designated building products: class 2

Each responsible person must ensure, to the extent of their specified responsibilities, that the required building product information for a designated building product: class 2 is disclosed before the product is ordered by a client.

How information must be disclosed

For both class 1 and class 2 products:

Each manufacturer or importer of a product must ensure, to the extent of their specified responsibilities, that the required product information is published and maintained on an internet site, and available free of charge. There must also be no pre-conditions on access, such as the need to create an account, insert a password, log in, or provide an email address.

Manufacturers or importers must make sure that the address of the [Internet site](#) where the information is published, is disclosed either on the building product, on the packaging of the building product, or in any similar way that will provide the public with a clear link to the Internet site where the required building product information can be accessed.

A link or website address that takes the consumer to the manufacturer’s homepage is sufficient, rather than individual website addresses for each product.

In many cases, it is expected that the manufacturer or importer will be able to put the address of the [Internet site](#) either on the product itself or on its packaging. The way this requirement is implemented is at the manufacturer’s discretion.

The method used to direct the customer to the Internet site where the information is disclosed (eg via a label, on the packaging etc) only needs to be available when the product is sold (see [section above](#) for more information).

Manufacturers and importers with existing websites may add product information on their own website, however, if they don’t have a website or choose not to host the required information there, they may use a third-party provider to host the product information, provided all other relevant requirements are met.

Where the address of the Internet site cannot be included with each item, eg for loose products such as some wood products or bricks, then signage next to the product in a retail store can be used (refer to [step 4b](#)). Manufacturers and importers should work with the relevant distributor(s) to ensure the Internet site is available to customers.

Manufacturers or importers may consider adding an identifier (eg a QR code) to the product itself or on the label of the product, in addition to providing the address of the Internet site, to also direct customers to the Internet site where the disclosed information is located. The addition of a QR code is optional – it is not required by the regulations and cannot take the place of the address of the Internet (that is, a QR code or similar identifier is not a means to comply with the regulations).

Manufacturers or importers are encouraged to provide information in accessible and usable formats for disabled people. Follow the [link](#) to see the government’s web accessibility guidance.

What the law says:

Regulation 3 of the regulations:

Specified responsibilities, —

- a) in relation to the person described in paragraph (a) of the definition of responsible person, means—
 - i) collating and producing the required building product information and disclosing it to the public, free of charge, on an Internet site; and
 - ii) carrying out the obligations set out in [regulation 12\(a\)](#) and, if applicable, [regulation 12\(b\)\(i\)](#), [\(ii\)](#), and [\(v\)](#); and
- [. .]

How information must be disclosed

Regulation 12 of the regulations - Requirements as to method of disclosure of required building product information

Each responsible person must ensure, to the extent of their specified responsibilities that—

- a) the required building product information is published and maintained on an Internet site and available free of charge and without pre-conditions (for example, the need to create an account, insert a password, log in, or provide an email address); and
- b) the address of the Internet site where the required building product information is published, is disclosed—
 - i) on the building product; or
 - ii) on the packaging of the building product; or
 - [. .]
 - v) in any similar way that will provide the public with a clear link to the Internet site where the required building product information can be accessed.

Requirements for reviewing, updating, and maintaining the information

For both class 1 and class 2 products:

Each manufacturer or importer of a product must ensure that the required product information is kept up to date on the relevant Internet site from which the information is available to members of the public. This includes updating the product information to address any relevant material changes to the regulations, Building Code, or compliance pathways.

They must also ensure that the required information continues to be maintained on the relevant Internet site while the building product continues to be supplied or offered for supply. This must continue even if the building product has been superseded by an updated version of the product, or an entirely new product, or if the building product is no longer manufactured.

As a product develops over time and new versions are supplied, manufacturers and importers should consider how they will manage the product information to make sure it’s up to date, but also that the information remains accessible for previous versions of the product that are still available for supply. Manufacturers and importers also need to make sure it’s clear which set of information belongs with each version of the product.

If applicable, the manufacturer or importer must also make sure that if there are any changes to the address of the relevant Internet site, that the information about those changes is disclosed to the public to the extent practicable and as soon as practicable.

If a product is superseded or taken off the market, then the manufacturer or importer of the product should consider how they communicate this and manage the information in future, for example, considering maintaining the information, including an accessible version change (date history) archive, for a period of at least 10 years. This timeframe aligns with the [implied warranties](#) outlined in the Building Act 2004 but is a recommendation only and is not set in the regulations.

What the law says:

Regulation 3 of the regulations:

Specified responsibilities, —

- a) in relation to the person described in paragraph (a) of the definition of responsible person, means—
[. . .]
- iii) carrying out the obligations set out in regulation 13(a) and (c) and, if applicable, regulation 13(b):

Requirements for reviewing, updating, and maintaining certain information

Regulation 13 of the regulations - Requirements for reviewing, updating, and maintaining required building product information

Each responsible person must ensure, to the extent of their specified responsibilities, that—

- a) the required building product information for each designated building product is kept up to date on the relevant Internet site from which the information is available to members of the public; and
- b) if there are any changes to the address of the relevant Internet site, information about those changes is disclosed to the public to the extent practicable and as soon as practicable; and
- c) the required building product information continues to be maintained on the relevant Internet site while the building product continues to be supplied or offered for supply, even if—
 - i) the building product has been superseded by an updated version of the product, or an entirely new product; or
 - ii) the building product is no longer manufactured.

Step 4b – Wholesaler, retailer and distributor requirements

This section is relevant to individuals or organisations that meet paragraph (b) of the definition of 'responsible person' in the regulations, being each of the persons living, or incorporated, in New Zealand who sell the building product by wholesale or retail, or otherwise distribute the building product.

Manufacturers or importers refer to [step 4a](#).

What information must be disclosed

The purpose of this section is to clarify and provide answers to questions raised by industry groups about the regulations. For a full list of the information that must be disclosed about a designated building product, see [appendices 2](#) and [3](#).

Wholesalers, retailers, or distributors of the building product have a responsibility to make sure that the required building product information is available to all persons to whom that responsible person sells or otherwise distributes the building product before it is sold or otherwise distributed.

Class 1 vs class 2 products

The information that must be disclosed will vary depending on whether the designated building product falls into class 1 or class 2.

Class 1: see [appendices 2](#) for a full list of the information that must be disclosed.

Class 2: see [appendices 3](#) for a full list of the information that must be disclosed.

Manufacturers or importers of designated building products are responsible for collating and producing the required building product information. Wholesalers, retailers, and distributors are required to ensure the information is available when a product is available for sale but are not expected to constantly review the information disclosed by a manufacturer or importer.

It is recommended that arrangements are put in place with product manufacturers, so that if any changes occur that impact the information being disclosed about the building product (eg Building Code clauses that are relevant to the product, limitations on how it is used, installation requirements etc), then these are communicated as the changes are made.

Products as a part of a system

Some products may be sold as individual components but need to be installed as part of a system to contribute to compliance with the Building Code.

In this case, it is sufficient for the system as a whole to have its own product information/disclosure as required by the regulations, rather than every individual product needing its own separate product information/disclosure. The individual products that make up the system should be listed in the description of the product. Responsibility sits with the manufacturer or importer of the system to provide the required information, rather than the individual manufacturer of the product component.

However, if the manufacturer's intention is that in addition to being used in a system, that the product can also be sold or used separately (eg when retrofitting windows or replacing sprinkler head), then it will also need their own product information.

Examples

- Spouting is often made up of several products that work together as a system (brackets, stopends, joiners, outlets, nails, screws, etc).
- Cladding is also often thought of as a system and may comprise several products that must be compatible to contribute to Building Code compliance (external cladding (eg aluminium), battens, insulation, framing, hydro-windproof membrane, linings, etc).

Compliance with the Building Code:

It is not the wholesaler, retailer, or distributor's responsibility to provide the required information about the building products they sell, that responsibility sits with the manufacturer or importer.

Manufacturers and importers are responsible for preparing all the required information, including stating all the Building Code clauses that are relevant to the product, and how the product contributes to compliance with the Building Code.

If the wholesaler, retailer, or distributor has any concerns, they may need to contact the product manufacturer or importer of the product to make sure they are providing the information required. A designated building product cannot be sold or ordered without the required information being available.

One set of information for multiple products (ie for a line of products):

Manufacturers and importers may consider having one set of information for multiple products, if the information and parameters of use are the same. This may occur for cosmetic differences, such as colour, but may also apply to products that are physically different, such as a product that is available in different thicknesses or lengths.

An example is a product line of windows, where the manufacturer has a suite of windows from which the designer can select the type or configuration, and then customise the size, pane thickness, window openings or latches and so on. The manufacturer may decide to have one set of product information for the product line, so long as they meet the same performance standards. This type of product as described here would likely be a class 2 designated building product, as each unit is customised to the specification of an individual client.

Other examples may include timber cladding or structural timber available in different lengths, plumbing product lines where the options have similar properties or perform in a similar way, and mechanical fixings of different dimensions.

Cautionary note – some building products will require specific testing to meet the performance requirements of the Building Code, which may mean that subsequent changes to how the product is manufactured may put the validity of such testing in question. Manufacturers should therefore consider the parameters of the initial testing and whether a product requires new or additional testing following any substantive changes. Importers, wholesalers, retailers, and distributors should consider having arrangements in place with their product manufacturers, so that any applicable changes are passed on as they are made.

What the law says:

What information must be disclosed

Regulation 8 of the regulations – Information disclosure: designated building products: class 1

Each responsible person must carry out their specified responsibilities in relation to the disclosure of the information specified in Schedule 1, and in the way required by these regulations, for a designated building product: class 1.

Regulation 9 of the regulations – Information disclosure: designated building products: class 2

Each responsible person must carry out their specified responsibilities in relation to the disclosure of the information specified in Schedule 2, and in the way required by these regulations, for a designated building product: class 2.

When information must be disclosed

The required information must be disclosed either before the product is available to purchase or order, depending on its class:

- For class 1 products, all responsible persons, including wholesalers, retailers and distributors as well as manufacturers and importers (combined responsibilities), must ensure that the required product information is disclosed either before or when designated building products are offered for supply (ie either available to order from a wholesaler or other distributor, or available to purchase at a retailer).
- For class 2 products, all responsible persons, including wholesalers, retailers and distributors as well as manufacturers and importers, must ensure the required product information is disclosed before designated building products are available for order by a client.

A designated building product cannot be sold or ordered without the required information being available to the purchaser or client. A wholesaler, retailer or distributor of a building product has a responsibility to make sure they are not selling a product that does not have the required information as per the regulations.

If the manufacturer or importer of the product has not disclosed the required information or you believe that it is not up to date, then you should contact them to request it to ensure that the requirements of the regulations are met before the product is sold or ordered.

It is recommended that wholesalers, retailers, and distributors systematically check that the manufacturer or importer of the product has disclosed the required information. As an example, this may occur during merchant compliance reviews with manufacturers and importers. Wholesalers, retailers, and distributors must be able to prove that they have taken reasonable precautions and exercised due diligence to avoid non-compliance with the regulations. [Section six](#) of this guidance has more information on avoiding non-compliance.

What the law says:

When information must be disclosed

Regulation 10 of the regulations - Timing of information disclosure: designated building products: class 1

Each responsible person must ensure, to the extent of their specified responsibilities, that the required building product information for a designated building product: class 1 is disclosed either before or when the product is offered for supply by a wholesaler, retailer, or other distributor of the product.

Regulation 11 of the regulations Timing of information disclosure: designated building products: class 2

Each responsible person must ensure, to the extent of their specified responsibilities, that the required building product information for a designated building product: class 2 is disclosed before the product is ordered by a client.

How information must be disclosed

For both class 1 and class 2 products:

In many cases, it is expected that the manufacturer or importer will be able to put the address of the [Internet site](#) either on the product itself or on its packaging. A link or website address that takes the consumer to the manufacturer's homepage is sufficient, rather than individual website addresses for each product, however the way this requirement is implemented is at the manufacturer's discretion.

Individual or third-party website addresses may be used to communicate the product information to potential consumers. A QR code may also be used to direct consumer to the website, but this would be an additional piece of information and must not replace the Internet site or address.

However, in some cases, it may be impractical for the manufacturer to provide the product's Internet site on the product or its packaging, for example, some loose wood products or bricks.

The manufacturer or importer must still provide the Internet site with the product to the wholesaler, retailer, or distributor. Where the building product is sold or distributed in a shop or other physical location, the wholesaler, retailer, or distributor must ensure that the address of the Internet site is on a sign next to the building product or is in another similar way that provides the public with a clear link to the Internet site where the required building product information can be accessed. This may be achieved by having the required information available via a sticker, pamphlet, booklet, stand etc that is near the product.

Products sold online

If the product is being sold or offered for sale on the Internet, then the Internet address with the product's information must be disclosed on the relevant Internet site at the same location where the building product is displayed for sale. That is, a link to the product information on the manufacturer's or importer's website can be provided on the product listing page of the retailer's website. This must be done in a way that provides the public with a clear link to where the information can be accessed.

For example, a retailer sells plasterboard online and has a specific webpage for each type of plasterboard they sell. On each product listing page, the retailer has a link to the product information which is hosted on the product manufacturer's website. This link takes the consumer to the manufacturer's homepage, from which they can easily access information about the product.

Alternatively, the product information may be disclosed in any similar way that will provide the public with a clear link to the Internet site where the required building product information can be accessed.

Manufacturers or importers are encouraged to provide information in accessible and usable formats for disabled people. Follow the [link](#) to see the government's web accessibility guidance.

What the law says:

Regulation 3 of the regulations:

Specified responsibilities, —

- b) in relation to the person described in paragraph (b) of the definition of responsible person, means—
 - i) ensuring that the required building product information is actually available to all persons to whom that responsible person sells or otherwise distributes the building product before it is sold or otherwise distributed; and
 - ii) carrying out the obligations set out in regulation 12(b)(iii), (iv), and, if applicable, (v);

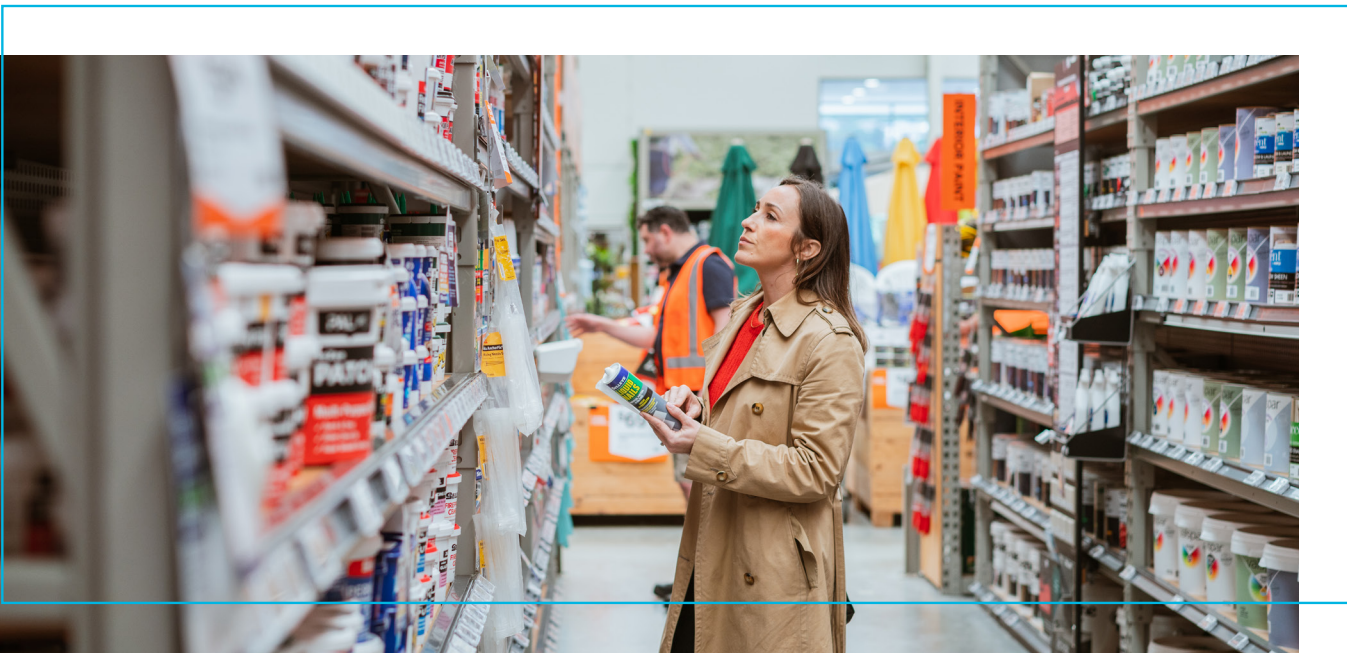
[..]

How information must be disclosed

Regulation 12 of the regulations - Requirements as to method of disclosure of required building product information

Each responsible person must ensure, to the extent of their specified responsibilities that—

- b) the address of the Internet site where the required building product information is published, is disclosed—
 - iii) in the case of a building product sold or distributed in a shop or other physical location, on signs next to the building product; or
 - iv) in the case of a building product sold or offered for sale on the Internet, —
 - A. on the relevant Internet site at the same location where the building product is displayed; and
 - B. in a manner that provides the public with a clear link to the Internet site where the required building product information can be accessed; or
 - v) in any similar way that will provide the public with a clear link to the Internet site where the required building product information can be accessed.



Requirements for reviewing, updating, and maintaining the information

For both class 1 and class 2 products:

Each wholesaler, retailer, or distributor of a product must ensure that if there are any changes to the address of the relevant Internet site, that the information about those changes is disclosed to the public to the extent practicable and as soon as practicable. This may require updates to signage or online product listings.

It is recommended that wholesalers, retailers, and distributors systematically check that the manufacturer or importer of the product has disclosed the required information and that the address of the Internet site is up to date where the retailer includes this in their online product listings. As an example, this may occur during merchant compliance reviews with manufacturers and importers.

What the law says:

Regulation 3 of the regulations:

Specified responsibilities, —

- b) in relation to the person described in paragraph (b) of the definition of responsible person, means—
 - iii) carrying out the obligations set out in regulation 13(b), if applicable

Requirements for reviewing, updating, and maintaining certain information

Regulation 13 of the regulations - Requirements for reviewing, updating, and maintaining required building product information

Each responsible person must ensure, to the extent of their specified responsibilities, that—

- b) if there are any changes to the address of the relevant Internet site, information about those changes is disclosed to the public to the extent practicable and as soon as practicable.



5. Roles and responsibilities

The roles and responsibilities in this section are in addition to those already stated in the Building Act.

There are **two types** of [responsible persons](#), as defined in the building product information regulations:

1. the person living, or incorporated, in Aotearoa New Zealand who is the manufacturer or importer of the designated building product
2. each of the persons living, or incorporated, in Aotearoa New Zealand who sell the building product by wholesale or retail, or otherwise distribute the designated building product.

These responsible persons each have different [specified responsibilities](#) in terms of what information they must disclose, when and how this must be done, and what they must do when it comes to reviewing, updating, and maintaining the information.

For detailed information about the specified responsibilities of these responsible persons, see [step 4a](#) and [4b](#) of this guidance, or refer to the [regulations](#).

MBIE

MBIE provides stewardship of the building regulatory system, including monitoring its effectiveness, and is also the central regulator, as it manages the rules, procedures and other key functions for regulating building work.

As the inputs to any building work, building products are integral to the safety, durability, cost, and environmental impact of buildings. The regulation of building products is crucial in ensuring Aotearoa New Zealand's buildings are fit for purpose and consumers can make well-informed decisions based on their needs.

MBIE is responsible for making sure the regulations are successfully implemented. This involves working with key stakeholders and those impacted by the regulations to make sure they are aware of their responsibilities, what they need to do to comply, and what information and education resources are available to support them.

MBIE's chief executive has powers under the Building Act to enforce the duties and obligations in the regulations. MBIE will investigate complaints and monitor the market and take enforcement action where deemed necessary. See [section six](#) of this guidance for more information about non-compliance with the regulations.

What the law says:

Sections [362VB](#), [362VC](#), [362VD](#), [362VE](#), [362VF](#), and [11\(m\)](#) of the Building Act 2004 outline the powers that MBIE's chief executive has to ensure that those impacted by the regulations meet their obligations.

Delegation of statutory powers and functions imposed or given to MBIE's chief executive is achieved pursuant to section 41 of the State Sector Act 1988. The MBIE framework for these statutory delegations means that the chief executive may sub-delegate powers or functions where appropriate, to named positions.

Building consent authorities

Building consent authorities do not have any new responsibilities as a result of the regulations.

Once the regulations are enforceable, as per their existing responsibilities, building consent authorities will still need to check that building work and the products used are compliant with the Building Code via the building consent process. Building consent authorities will also still be able to request additional information about a building product to better inform their decision about a building consent application. MBIE's detailed regulatory guidance on the building consent authority accreditation scheme will be updated to support building consent authorities decision-making processes in respect to the information requirements for designated building products.

If a building consent authority finds deficiencies in product information, then they are encouraged to first raise their concerns with the relevant responsible person. If their concerns are not resolved, then they should notify MBIE. This information is important to help MBIE assess the impact of the legislative reforms, as well as ensure enforcement action can be taken where appropriate. Building consent authorities may contact MBIE at products@mbie.govt.nz

Once the regulations are enforceable, building consent authorities should expect to make fewer requests for information about a building product due to the increased amount and consistency of information provided with designated building products. Over time, they should also expect to see a reduction in the number of inspection failures or notices to fix, due to the requirements for information such as scope of use and installation requirements to be provided with these building products.

Designers

Designers do not have any new responsibilities as a result of the regulations.

However, as per their existing responsibilities, they need to make sure that building products and methods specified in building work comply with the Building Code. Designers should also make sure that all building products proposed for use meet the required level of product information, as per the regulations, to support a building consent application, as building consent authorities officials will be reviewing this information during their assessment.

Once the regulations are enforceable, designers will have access to consistent and more reliable information about designated building products, such as their intended scope of use, design requirements, and any relevant installation requirements, as well as how the product is expected to contribute to compliance with the Building Code.

If a designer finds deficiencies in product information, then they are encouraged to first raise their concerns with the relevant responsible person. If their concerns are not resolved, then they should notify MBIE. This information is important to help MBIE assess the impact of the legislative reforms, as well as ensure enforcement action can be taken where appropriate. Designers may contact MBIE at products@mbie.govt.nz.

As a result of all designated building products having a consistent minimum level of information, designers may experience a greater level of flexibility with what products they can recommend.

Designers should expect to see a reduction in the need to respond to requests for information from building consent authorities. As a result, it is anticipated that designers will see a reduction in resource costs related to providing responses to requests.

Tradespeople

Tradespeople do not have any new responsibilities as a result of the regulations.

However, tradespeople should confirm that all building products they use meet the minimum product information requirements, and that they are installing products as per instructions given in the product information. This is particularly important when dealing with products you are unfamiliar with. Information about the product will also be available online, with a link to the relevant website provided on or with each product.

Once the regulations are enforceable, tradespeople will have access to consistent and more reliable product information, which will make installation and any other relevant requirements for the product's use clearer.

If a tradesperson finds deficiencies in product information, then they are encouraged to first raise their concerns with the relevant responsible person. If their concerns are not resolved, then they should notify MBIE. This information is important to help MBIE assess the impact of the legislative reforms, as well as ensure enforcement action can be taken where appropriate. Tradespeople may contact MBIE at products@mbie.govt.nz.

Tradespeople should expect to see a reduction in the need to remedy or replace products that fail, provided installation is carried out as per instructions provided. Over time, they should see a reduction in labour costs relating to fixing or reinstalling products that were not installed correctly in the first instance.

Consumers

Consumers (homeowners, developers etc) do not have any new responsibilities as a result of the regulations.

As per their existing responsibilities, consumers will continue to need to obtain building consents, approvals, and certificates for building work (unless the building work is exempt under schedule 1 of the Building Act 2004).

Once the regulations are enforceable, consumers will have access to consistent and more reliable product information and should experience a reduced risk of building consent delays. They will also have access to clear maintenance requirements for the products used in their building work.

Where an individual or organisation has concerns that a designated building product or building system does not have all the required information, then in the first instance, they are encouraged to contact the supplier to seek a remedy. If this action does not result in the required information being disclosed, then MBIE encourages consumers to notify MBIE. MBIE can be contacted at products@mbie.govt.nz. This information is important to help MBIE assess the impact of the legislative reforms, as well as ensure enforcement action can be taken where appropriate.

Over time, it is anticipated that the building consent process is quicker, as there will be fewer requests for information about building products, resulting in a faster home build.

In general, tradespeople will have access to more information about the products they use, including how the product should be installed. As a result, consumers should expect to see a reduced need for repair or remediation.

6. Non-compliance with the regulations

The regulations place obligations on Aotearoa New Zealand-based manufacturers, importers, wholesalers, retailers, and distributors. The regulations also designate a range of building products for which building product information must be provided and establishes the minimum requirements for that information.

Where an individual or organisation has concerns that a designated building product or building system does not have all the required information, it is recommended they contact the supplier to request further information in the first instance. If this action does not result in the required information being disclosed, then MBIE can be informed by emailing products@mbie.govt.nz.

Importers, wholesalers, retailers, and distributors should consider having arrangements in place with their product manufacturers, so that if any changes occur that impact the information being disclosed about the building product (eg Building Code clauses that are relevant to the product, limitations on how it is used, installation requirements etc), then these are passed on as they are made.

MBIE's chief executive has powers under the Building Act to enforce the duties and obligations in the regulations.

If a person or organisation fails to comply with their obligations under the regulations, MBIE can:

- issue a notice to take corrective action, which requires a person to take actions to remedy the non-compliance, or ensure that the non-compliance is not continued or repeated
- issue an infringement notice
- carry out a prosecution.

In certain circumstances, MBIE has powers to require parties to provide information or documents to MBIE for the purpose of taking enforcement action under the Building Act. Failure to comply with a request for information or documents is an offence under the Building Act.

MBIE will monitor the market, investigate complaints and take enforcement action where deemed necessary.



What the law says:

Section 207A of the Building Act 2004 - Power to require information or documents:

- 1) The chief executive may require any person to provide any information or document that the chief executive reasonably considers it is necessary or desirable to obtain for any of the following purposes:
 - a) taking enforcement action referred to in [section 11\(m\)](#);
 - b) exercising the chief executive's powers under [section 26](#).
- 2) The chief executive must give written notice to the person that specifies—
 - a) the information or document that must be provided; and
 - b) how the information or document must be provided; and
 - c) a reasonable deadline by which the information or document must be provided.
- 3) The person must provide the information or document as required by the notice.
- 4) The chief executive may copy or retain any information or document provided.

Section 207B of the Building Act 2004 - Offence to fail to provide information or documents:

A person who fails to provide any information or document as required by [section 207A](#)—

- a) commits an offence; and
- b) is liable on conviction, —
 - i) in the case of an individual, to a fine not exceeding \$20,000; or
 - ii) in the case of a body corporate, to a fine not exceeding \$60,000.

Sections [362VB](#), [362VC](#), [362VD](#), [362VE](#), [362VF](#), and [11\(m\)](#) of the Building Act 2004 outline the powers that MBIE's chief executive has to ensure that those impacted by the regulations meet their obligations.



Failure to comply with building product information requirements

If a person or organisation is unable to meet or fails to comply with their responsibilities under the regulations, then they must not supply, offer to supply, or advertise in Aotearoa New Zealand, or import the relevant designated building product into Aotearoa New Zealand.

What the law says:

Section 362VB of the Building Act 2004 - Failure to comply with building product information requirements an offence:

- 1) This section applies in relation to a building product if information requirements are in force under [section 362VA](#) for that product.
- 2) A person must not, in trade, do any of the following with the building product unless the person complies with the information requirements:
 - a) supply the building product in New Zealand;
 - b) offer to supply the building product in New Zealand;
 - c) advertise the supply of the building product in New Zealand;
 - d) import the product into New Zealand for the purpose of supply.
- 3) A person who fails to comply with subsection (2)—
 - a) commits an offence; and
 - b) is liable on conviction, —
 - i) in the case of an individual, to a fine not exceeding \$10,000;
 - ii) in the case of a body corporate, to a fine not exceeding \$30,000.



False or misleading representations in relation to building products

A person or organisation must not make claims or representations about a building product in connection with the supply, possible supply, or promotion of the supply of a building product that are unsubstantiated, false, or misleading, and they must not make material omissions about the product. A claim is unsubstantiated if the person making it does not have reasonable grounds to do so, regardless of whether it is false or misleading.

What the law says:

Section 362VC of the Building Act 2004 - False or misleading representations in relation to building products:

- 1) A person must not, in trade, make a relevant representation about a building product that is—
 - a) unsubstantiated; or
 - b) false or misleading in a material particular or because of a material omission.
- 2) A relevant representation means a representation relating to a building product that is made in connection with—
 - a) the supply, or possible supply, of the building product; or
 - b) the promotion of the supply of the building product.
- 3) A representation is unsubstantiated if, when the representation is made, the person making it does not have reasonable grounds for the representation, irrespective of whether it is false or misleading.
- 4) However, subsection (1)(a) does not apply to a representation that a reasonable person would not expect to be substantiated.
- 5) A person who fails to comply with subsection (1)—
 - a) commits an offence; and
 - b) is liable on conviction, —
 - i) in the case of an individual, to a fine not exceeding \$200,000;
 - ii) in the case of a body corporate, to a fine not exceeding \$600,000.

Defences for offences against non-compliance or providing false or misleading information

The Building Act 2004 provides defences for offences against [section 362VB](#) (failing to comply with the building product information requirements) and [section 362VC](#) (making false or misleading representations in relation to building products).

It is a defence if the person or organisation being prosecuted can prove that failure to uphold their responsibilities as per the regulations was due to a reasonable mistake, or that they were reasonably reliant on information supplied to them by another person.

It is also a defence if they can prove that failure to uphold their responsibilities was due to the act or omission of another person, due to an accident, or there was some other cause beyond their control. To rely on this defence they must be able to prove that they took reasonable precautions and exercised due diligence to avoid the failure.

Wholesalers, retailers, and distributors are required to ensure the information is available when making a product available for supply or sale but are not expected to constantly review the information disclosed by a manufacturer. It is recommended that arrangements be put in place with product manufacturers, so that if any changes occur which impact the information being disclosed about the building product (eg changes to Building Code clauses that are relevant to the product, limitations on how it is used, installation requirements etc), then these are communicated as they are made.

If a person or organisation is either not meeting their responsibilities as per the regulations and they are being accused of either advertising the supply of the building product in Aotearoa New Zealand, or is making a misrepresentation about a building product that is unsubstantiated, false, or misleading, it will be a defence if they prove that they:

- are in the business of publishing, or arranging for the publication of advertisements, and
- they have published, or arranged the publication of, the advertisement on behalf of another person in the ordinary course of that business, and
- that they did not know, and had no reason to suspect, that the publication of the advertisement would constitute an offence.

If a person or organisation is being prosecuted for breaching or permitting a breach of the Building Act, then it is a defence if the defendant can prove that all of the following circumstances apply:

- the action or event to which the prosecution relates was necessary for the purposes of saving or protecting life or health, or preventing serious damage to property; and
- the conduct of the defendant was reasonable in the circumstances; and
- the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred.

It is also a defence if the defendant proves that the action or event to which the prosecution relates was due to an event beyond their control. This includes a natural disaster, mechanical failure, or sabotage, and in each case:

- the action or event could not reasonably have been foreseen or been provided against by the defendant; and
- the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred.



What the law says:

Section 362VD of the Building Act 2004 - Defences for offences against sections 362VB and 362VC:

- 1) This section provides defences to a prosecution for an offence against section 362VB(2) or 362VC(1).
- 2) It is a defence if the defendant proves that the failure to comply with section 362VB(2) or 362VC(1) was due to—
 - a) a reasonable mistake; or
 - b) reasonable reliance on information supplied to the defendant by another person.
- 3) It is a defence if the defendant proves that—
 - a) the failure to comply with section 362VB(2) or 362VC(1) was due to—
 - i) the act or omission of another person; or
 - ii) an accident or to some other cause beyond the defendant's control; and
 - b) the defendant took reasonable precautions and exercised due diligence to avoid the failure.
- 4) In relation to a failure to comply with section 362VB(2)(c) or 362VC(1), it is a defence if the defendant proves that they—
 - a) are in the business of publishing, or arranging for the publication of, advertisements; and
 - b) published, or arranged the publication of, the advertisement on behalf of another person in the ordinary course of that business; and
 - c) did not know, and had no reason to suspect, that the publication of the advertisement would constitute an offence.
- 5) See also section 388 (strict liability and defences).

Section 388 of the Building Act 2004 - Strict liability and defences:

- 1) Except as otherwise provided in this Act, in a prosecution for an offence of contravening or permitting a contravention of this Act, it is not necessary to prove that the defendant intended to commit the offence.
- 2) It is a defence in any prosecution that is referred to in subsection (1) if the defendant proves—
 - a) that all of the following circumstances apply:
 - i) the action or event to which the prosecution relates was necessary for the purposes of saving or protecting life or health, or preventing serious damage to property; and
 - ii) the conduct of the defendant was reasonable in the circumstances; and
 - iii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred; or
 - b) that the action or event to which the prosecution relates was due to an event beyond the control of the defendant, including natural disaster, mechanical failure, or sabotage, and in each case—
 - i) the action or event could not reasonably have been foreseen or been provided against by the defendant; and
 - ii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred.

Notice to take corrective action

MBIE may issue a notice to take corrective action to a person if they are satisfied that the person has failed to comply with a building product information requirement. The notice will require the person to take necessary steps to remedy the non-compliance, or to make sure it doesn't continue or happen again. The notice will be in writing and will specify a reasonable period within which the necessary steps must be taken.

What the law says:

Section 362VE of the Building Act 2004 - Notice to take corrective action:

- 1) The chief executive may give a notice to take corrective action to a person if satisfied that the person has failed to comply with a building product information requirement in force under [section 362VA](#).
- 2) A notice to take corrective action is a notice requiring the person to whom it is given to take any steps specified in the notice to—
 - a) remedy the non-compliance; or
 - b) ensure that the non-compliance is not continued or repeated.
- 3) The notice must—
 - a) be in writing; and
 - b) specify a reasonable period within which the required steps must be taken.

Compliance with notice to take corrective action

A person or organisation who has been given a notice to take corrective action must comply with it within the period specified. If they fail to do so, then they will have committed an offence, and will be liable to a fine upon conviction.

What the law says:

Section 362VF of the Building Act 2004 - Compliance with notice to take corrective action:

- 1) A person who has been given a notice to take corrective action by the chief executive must comply with it within the period specified in it.
- 2) A person who fails to comply with subsection (1)—
 - a) commits an offence; and
 - b) is liable on conviction, —
 - i) in the case of an individual, to a fine not exceeding \$10,000;
 - ii) in the case of a body corporate, to a fine not exceeding \$30,000.

7. Appendices

1) Examples of information that must be disclosed for class 1 and class 2 designated building products

Class 1 and 2 examples

MBIE has developed examples for each class of designated building products to help manufacturers or importers understand how to provide the required product information as per the regulations.

These resources can be found on the [Building Performance website](#).

Blank template

MBIE has also developed a blank template that can be used to input the required information into.

This resource can be found on the [Building Performance website](#).

2) Information that must be disclosed for class 1 designated building products

[Schedule 1](#) of the regulations outlines what information must be disclosed for a class 1 designated building product.

The required information does not need to be structured as per schedule 1 of the regulations. As long as the required information is available in one place, manufacturers or importers can decide how best to structure their information.

The following information must be disclosed about a class 1 designated building product.

Note - the information in boxes act to support users to determine what information must be disclosed, and are not required as per the regulations.

- A description of the building product (including the name of the product and its intended use).
- A product identifier for the building product that distinguishes that product from other building products.

This could be a unique product identifier, such as a Global Trade Item Number (GTIN) or a quick response code (a QR code), or it may also be any other distinguishable supplier part/model number or identifier.

The addition of a QR code is optional. It is not required by the regulations and cannot take the place of the address of the Internet (that is, a QR code or similar identifier is not a means to comply with the regulations).

- If the building product is manufactured —
 - in Aotearoa New Zealand, the legal and trading name of the manufacturer or manufacturers, the manufacturer or manufacturers' address for service, the address of their public Internet site (if any), their public email address (if any), and their NZBN (if any).
 - overseas, —
 - the legal and trading name of the overseas manufacturer or manufacturers, the overseas manufacturer or manufacturers' address for service, the address of their public Internet site (if any), their public email address (if any), and their NZBN (if any); and
 - the legal and trading name of the importer, the importer's address for service, the address of its public Internet site (if any), its public email address (if any), and its NZBN (if any).
- A statement specifying—
 - the clauses of the Building Code that are relevant to the product, within its intended scope of use; and
 - how the building product is expected to contribute to compliance with those clauses (using references to one or more of the following):
 - any applicable options for compliance set out in [section 19](#) of the Building Act (other than the product certificate referred to in [section 19\(1\)\(d\)](#) or the manufacturer's certificate referred to in [section 19\(1\)\(da\)](#))
 - any other [standard](#) or technical document that describes the performance of the building product or the relevant specifications to which the building product was manufactured

A range of evidence pathways such as an Australian/New Zealand Standard, or overseas compliance information (eg International Code Council – Evaluation Service Certificates, British Board of Agrément Certificates) may be appropriate, as long as the manufacturer or importer can demonstrate how this evidence ensures that the product contributes to the Aotearoa New Zealand Building Code clauses identified in the product information.

- the physical properties of the building product

Eg providing a durability time period for [clause B2 \(Durability\)](#) of the Building Code, or an R-value for clause [H1 \(Energy efficiency provisions\)](#) of the Building Code.

- how the building product is intended to be used; and
- any information on the limitations on the use of the building product within its intended scope of use; and

The onus is on the manufacturer or importer of the product to describe the limitations of use. There are a number of different applications for which some building products could be used. A manufacturer or importer is not expected to foresee every potential purpose or proposed use by every end user of the building product. They are therefore not expected to provide exhaustive or definitive information on limitations on the use of a building product or building product line.

However, in order to meet the requirements of the regulations, the manufacturer or importer should have an understanding about the intended use of their product in order to define or describe limitations within its intended scope of use. The statement does not need to include information about the building product's limitations in scenarios that it is not intended to be used in.

- Any design requirements that would support the appropriate use of the building product in building work; and

Describe any design requirements that would help the consumer use the product. For example, this could include its intended use, whether the product (eg insulation) can be layered to provide a higher level of thermal insulation, any clearance requirements, or when other products can or should not be used in conjunction with the product etc.

- Any installation requirements; and
- Any maintenance requirements; and
- If the building product is not subject to a warning or ban under [section 26 of the Building Act](#), a statement to that effect; and
- If the building product is subject to a warning or ban under [section 26 of the Building Act](#), a description of the warning or ban.

What the law says:

[Regulation 8](#) and [Schedule 1](#) of the regulations prescribes what information must be disclosed for class 1 designated building products.

3) Information that must be disclosed for class 2 building products

[Schedule 2](#) of the regulations outlines what information must be disclosed for a class 2 designated building product.

The required information does not need to be structured as per schedule 2 of the regulations. As long as the required information is available in one place, manufacturers or importers can decide how best to structure their information.

The following information must be disclosed about a class 2 designated building product.

Note - the information in boxes acts to support users to determine what information must be disclosed, and are not required as per the regulations.

- A description of the building [product line](#) from which the building product is customised (including the name of the product line and its intended use).
- A product identifier for the building product line, if needed to distinguish that product line from other building product lines.

This could be a unique product identifier, such as a Global Trade Item Number (GTIN) or a QR code, or it may also be any other distinguishable part/model number or identifier.

The addition of a QR code is optional. It is not required by the regulations, and cannot take the place of the address of the Internet (that is, a QR code or similar identifier is not a means to comply with the regulations).

- If the building product is manufactured—
 - in Aotearoa New Zealand, the legal and trading name of the manufacturer or manufacturers, the manufacturer or manufacturers' address for service, the address of their public Internet site (if any), their public email address (if any), and their NZBN (if any); and
 - overseas, —
 - the legal and trading name of the manufacturer or manufacturers, the manufacturer or manufacturers' address for service, the address of its public Internet site (if any), its public email address (if any), and its NZBN (if any); and
 - the legal and trading name of the importer, the importer's address for service, the address of its public Internet site (if any), its public email address (if any), and its NZBN (if any).
- a statement specifying—
 - the clauses of the Building Code that are relevant to the product, within its intended scope of use; and
 - how the building product is expected to contribute to compliance with those clauses (using references to one or more of the following):
 - any applicable options for compliance set out in [section 19](#) of the Building Act (other than the product certificate referred to in [section 19\(1\)\(d\)](#) or the manufacturer's certificate referred to in [section 19\(1\)\(da\)](#))
 - any other standard or technical document that describes the performance of the building product or the relevant specifications to which the building product was manufactured

A range of evidence pathways such as an Australian/New Zealand Standard, or overseas compliance information (eg International Code Council – Evaluation Service Certificates, British Board of Agrément Certificates) may be appropriate, as long as the manufacturer or importer can demonstrate how this evidence ensures that the product contributes to the Aotearoa New Zealand Building Code clauses identified in the product's information.

- the physical properties of the building product

Eg providing a durability time period for [clause B2 \(Durability\)](#) of the Building Code, or an R-value for [clause H1 \(Energy efficiency provisions\)](#) of the Building Code.

- how the building product is intended to be used; and
- any information on the limitations on the use of the product line from which the building product is customised, within its intended scope of use; and

There are a number of different applications for which some building products could be used. A manufacturer or importer is not expected to foresee every potential purpose or proposed use by every user of the building product. They are therefore not expected to provide exhaustive or definitive information on limitations on the use of a building product or building product line.

However, the manufacturer or importer should have an understanding about the intended use of their product in order to define or describe limitations within its intended scope of use to meet the requirements of the regulations.

The statement does not need to include information about the building product's limitations in scenarios that it is not intended to be used in.

- any design requirements that support the appropriate use of any building product that will be customised from the building product line in building work; and

Describe any design requirements that would help the consumer use the product. For example, this could include its intended use, whether the product (eg insulation) can be layered to provide a higher level of thermal insulation, any clearance requirements, or when other products can or should not be used in conjunction with the product etc.

- any installation requirements; and
- any maintenance requirements; and
- if the building product line is not subject to a warning or ban under [section 26 of the Building Act](#), a statement to that effect; and
- if the building product line from which the building product is customised is subject to a warning or ban under [section 26 of the Building Act](#), a description of the warning or ban.

What the law says:

[Regulation 9](#) and [Schedule 2](#) of the regulations prescribes what information must be disclosed for class 2 designated building products.

4) Glossary of key terms

Term	Definition and explanation
Acceptable Solution	<p>Derived from section 7 of the Building Act.</p> <p>Means an Acceptable Solution issued under section 22(1) of the Building Act. Is a step-by-step solution that provides one means of compliance with the Building Code.</p>
BRANZ	<p>A multi-faceted, science-led organisation, BRANZ uses independent research, systems knowledge and its broad networks to identify practical solutions that improve New Zealand’s building system performance.</p> <p>A BRANZ Appraisal is a robust, in-depth and independent evaluation of a building product or system to assess whether it is fit for purpose and meets Building Code performance requirements.</p>
Building	Has the meaning given to it by sections 8 and 9 of the Building Act.
Building consent	<p>Derived from section 7 of the Building Act.</p> <p>Means a consent to carry out building work granted by a building consent authority under section 49 of the Building Act.</p>
BuiltReady	<p>BuiltReady is a voluntary certification scheme for modular component manufacturers which enables them to be certified and registered to produce modular building components.</p> <p>For more information about BuiltReady, visit the Building Performance website</p>
Designated building product	In accordance with regulation 3 of the regulations, designated building product means a building product to which regulation 5 or 6 of the regulations applies.
Electrical appliance or a fitting - within the meaning of section 2(1) of the Electricity Act 1992.	<p>Electrical appliance means any appliance that uses, or is designed or intended to use, electricity, whether or not it also uses, or is designed or intended to use, any other form of energy.</p> <p>Fittings means everything used, or designed or intended for use, in or in connection with the generation, conversion, transformation, conveyance, or use of electricity.</p>
Gas appliance or a fitting - within the meaning of section 2(1) of the Gas Act 1992.	<p>Gas appliance means any appliance that uses, or is designed or intended to use, gas, whether or not it also uses, or is designed or intended to use, any other form of energy.</p> <p>Fittings means everything used, or designed or intended for use, in or in connection with the supply, distribution, compression, or use of gas.</p>
Internet site	<p>The manufacturer or importer of a designated building product has a requirement to disclose the address of the ‘Internet site’ where the required building product information is published.</p> <p>Internet site (also known as a ‘website’) means the homepage of the Internet website and not the actual web page where the information is displayed. It is up to the customer/user to navigate themselves to the actual web page where the information is located.</p>

NZBN	NZBN means New Zealand Business Number
'Product line' or 'line of products'	<p>A line or suite of related products which can be customised to suit a customer's requirements.</p> <p>For example, a window manufacturer may have a line or suite of products (sometimes referred to as a 'series') which the customer can customise to their specific requirements, allowing them to choose the colour, dimensions, thermal insulation, tinting or glazing.</p>
Required building product information	<p>In accordance with regulation 3 of the regulations, required building product information means the following:</p> <ul style="list-style-type: none"> a) in relation to a designated building product: class 1, means the information required to be disclosed by Schedule 1; b) in relation to a designated building product: class 2, means the information required to be disclosed by Schedule 2.
Responsible person	<p>In accordance with regulation 3 of the regulations, responsible person, in relation to a designated building product, means the following:</p> <ul style="list-style-type: none"> a) the person living, or incorporated, in New Zealand who is the manufacturer or importer of the building product; and b) each of the persons living, or incorporated, in New Zealand who sell the building product by wholesale or retail, or otherwise distribute the building product.
Specified responsibilities	<p>In accordance with regulation 3 of the regulations, specified responsibilities means the following:</p> <ul style="list-style-type: none"> a) in relation to the person described in paragraph (a) of the definition of responsible person, means— <ul style="list-style-type: none"> i) collating and producing the required building product information and disclosing it to the public, free of charge, on an Internet site; and ii) carrying out the obligations set out in regulation 12(a) and, if applicable, regulation 12(b)(i), (ii), and (v); and iii) carrying out the obligations set out in regulation 13(a) and (c) and, if applicable, regulation 13(b) b) in relation to each of the persons described in paragraph (b) of the definition of responsible person, means— <ul style="list-style-type: none"> i) ensuring that the required building product information is available to all persons to whom that responsible person sells or otherwise distributes the building product before it is sold or otherwise distributed; and ii) carrying out the obligations set out in regulation 12(b)(iii), (iv), and, if applicable, (v); and iii) carrying out the obligations set out in regulation 13(b), if applicable.

Standard	<p>In accordance with regulation 3 of the regulations, standard means the following:</p> <ul style="list-style-type: none"> a) means a specification relating to goods, services, processes, or practices approved or adopted by a standards organisation (within the meaning of section 4(1) of the Standards and Accreditation Act 2015); and b) includes a modification to any such specification.
Verification Method	<p>Derived from section 7 of the Building Act.</p> <p>Means a Verification Method issued under section 22(1) of the Building Act. Is a test or calculation method that provides one means of compliance with the Building Code.</p>
WaterMark	<p>WaterMark Certification is mandatory for plumbing and drainage products of a certain type in Australia. It confirms the product complies with the Plumbing Code of Australia, is fit for purpose, and meets relevant Australian Standards.</p>



Te Kāwanatanga o Aotearoa
New Zealand Government