



This legislation is administered by the Electricity Authority. For more information please see:
Website: <https://www.ea.govt.nz/>
Contact phone: +64 4 460 8860
Contact address: PO Box 10041, Wellington 6143

Electricity Industry Participation Code (Materially Large Contract Definition) Amendment 2026

This amendment to the Electricity Industry Participation Code 2010 (Code) is made under section 38 of the Electricity Industry Act 2010 (Act) by the Electricity Authority having complied with section 39 of the Act.

Contents

1	Title	1
2	Commencement	1
3	Code amended	1

Part 1

Amendments to Part 13 of the Electricity Industry Participation Code

4	Clause 13.268 amended (Definition of materially large contract)	2
---	---	---

Amendment

- 1 Title**
This is the Electricity Industry Participation Code (Materially Large Contract Definition) Amendment 2026.
- 2 Commencement**
This amendment comes into force on 1 July 2026.
- 3 Code amended**
This amendment amends the Electricity Industry Participation Code 2010.

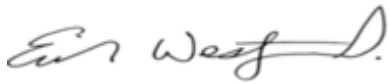
Part 1

Amendments to Part 13 of the Electricity Industry Participation Code

4 Clause 13.268 amended (Definition of materially large contract)

- (1) After clause 13.268(1)(a)(i), insert:
 - (ia) results in a final price paid by the **buyer** (after accounting for any discounts) of less than:
 - (A) the price of an equivalent exchange traded derivative or derivatives; or
 - (B) the spot price, for any **trading period** during the term of the contract; and
- (2) In clause 13.268(1)(b)(ii), insert “and at least one contract satisfies paragraph (a)(ia)” after “paragraph (a)(ii)”.
- (3) In clause 13.268(3):
 - (a) insert “practically and physically” after “maximum quantity of **electricity** consumption”; and
 - (b) insert “, given the equipment or plant at the **buyer’s ICP**,” after “contract at any one time”.
- (4) Replace clause 13.268(4) with:
 - (4) For the purpose of subclause (1)(a)(iii), the net quantity of **electricity** is the **MW** consumed at a point in time (calculated in accordance with subclause (3)) less any **MW** generated from new generation (calculated in accordance with subclause (5)), where the contract is material to the **generator’s** decision to invest in the new generation.
- (5) Replace clause 13.268(5) with:
 - (5) For the purposes of subclause (4), **MW** generated from new generation is:
 - (a) the median **MW** expected to be generated by the new **generating station** in any **trading period** over the contract period following its **commissioning**, to be calculated using relevant industry standards for resource assessment data and accounting for all relevant factors reasonably expected to affect the new **generating station’s** contribution to the **grid**, including (without limitation and to the extent applicable) —
 - (i) the efficiency of the new **generating station**;
 - (ii) degradation of the **generating station’s** performance over time;
 - (iii) the **generating station’s** operational availability;
 - (iv) fuel supply and quality;
 - (v) the impact of climate oscillations such as the El Niño-Southern Oscillation, Southern Annular Mode, or other relevant climate variability modes; or
 - (b) to be calculated using an alternative methodology which is robust and supported by evidence that meets or exceeds industry standards for the appropriate resource assessment.
- (6) For the purpose of this subpart, related company has the meaning set out in section 2(3) of the Companies Act 1993.

Made at Wellington on 13 May 2026



Erik Westergaard
Acting Chair
Electricity Authority

Certified in order for signature:



Alexandra Parker
Senior Legal Counsel
Electricity Authority
5 May 2026



Rachael Brown
Partner
Bell Gully
5 May 2026

Explanatory Note

This note is not part of the amendment but is intended to indicate its general effect.

This amendment to the Electricity Industry Participation Code 2010 comes into force on 1 July 2026.

The amendment clarifies aspects of the definition of a materially large contract (MLC) in Part 13 of the Code, including to make clear that it excludes bilateral contracts where the final price is at least the same as the spot price or an equivalent exchange-traded derivative or derivatives, and to adequately account for new intermittent generation when assessing whether a contract meets the MLC threshold.

Electricity Industry Participation Code (Materially Large Contract Definition)
Amendment 2026

This is secondary legislation issued under the authority of the Legislation Act 2019 .	
Title	Electricity Industry Participation Code (Materially Large Contract Definition) Amendment 2026
Principal or amendment	Amendment
Consolidated version	No
Empowering Act and provisions	Electricity Industry Act 2010, section 38
Replacement empowering Act and provisions	Not applicable
Maker name	Electricity Authority
Administering agency	Electricity Authority
Date made	13 May 2026
Publication date	14 May 2026
Notification date	14 May 2026
Commencement date	1 July 2026
End date (when applicable)	Not applicable
Consolidation as at date	Not applicable
Related instruments	Electricity Industry Participation Code 2010