

# Non-Discrimination Obligations Implementation Plan

Mercury NZ Ltd

3 September 2026

## 1 Introduction

This document is Mercury NZ Limited's implementation plan, prepared under clause 13.236S of the Electricity Industry Participation Code 2010 (the Code). It sets out Mercury's approach to implementing compliance with the non-discrimination obligations (NDOs) in Part 13, Subpart 5C, which came into force on 1 July 2026.

Under clause 13.236S(3)(a), this plan must include Mercury's non-discrimination policy. Mercury's non-discrimination policy is set out in a separate document, Mercury's Non-Discrimination Policy, which has been reviewed and approved by the Mercury Board and is disclosed to the Authority and published alongside this plan. References in this plan to "the Policy" are to that separate document.

### 1.1 Purpose of this plan

This plan covers:

- > Mercury's non-discrimination policy (a separate document) in accordance with clause 13.236R, including its detailed methodologies, criteria, and annexures.
- > Actions taken and planned for training employees, directors, and agents on the NDOs.
- > Actions taken and planned for ensuring ongoing compliance, including through internal audits and record keeping.

## 2 Mercury's Non-Discrimination Policy

Mercury's Non-Discrimination Policy is a document separate from this plan. It satisfies the requirements of clause 13.236R of the Code, including the detailed operational content required by clause 13.236R(4):

| Code requirement                                                | Where addressed in the Policy                                            |
|-----------------------------------------------------------------|--------------------------------------------------------------------------|
| Cl. 13.236R(4)(a): methodologies for NDO 1(1) to (4)            | NDO 1 methodology; Annexure A (Objectively Justifiable Reasons Register) |
| Cl. 13.236R(4)(b): criteria for objectively justifiable reasons | Annexure A                                                               |
| Cl. 13.236R(4)(c): engagement expectations (NDO 2)              | NDO 2 policy and methodology                                             |
| Cl. 13.236R(4)(d): credit terms and collateral policy (NDO 3)   | Annexure B (Credit Terms and Collateral Arrangements Policy)             |
| Cl. 13.236R(4)(e): information control policy (NDOs 4 to 6)     | Annexure C (Information Control Policy)                                  |

The Policy has been reviewed and approved by the Mercury Board. It will be reviewed and re-approved by the Board at least annually. Any amendment will be disclosed to the Electricity Authority within 10 business days of the amendment taking effect, as required by clause 13.236R(3).

## 3 Governance and Accountability

The following roles are accountable for implementing and maintaining this plan and the Policy.

| Role          | Accountability                                                                                                                                                                                                    |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mercury Board | Annual review and approval of the Policy; annual certification of compliance with the NDOs (signed by at least two directors), submitted to the Electricity Authority by 30 September each year, commencing 2027. |



|                                             |                                                                                                                                                                                                                                                                                                |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chief Executive                             | Overall accountability for Mercury's compliance with the NDOs; ensuring adequate resources are in place to support this plan.                                                                                                                                                                  |
| Executive GM Wholesale Markets (Plan Owner) | Operational accountability for all NDOs. Maintaining this plan and the Policy. Oversight of trading practices, RPCA preparation and submission, credit framework, information control, record keeping, self-reporting, and the training programme. Point of escalation for potential breaches. |

## 4 Actions Taken to Prepare for the NDOs

Clause 13.236S requires this plan to confirm the work Mercury has completed and the timeframe for any further required work. Policy and governance

| Action                                                                                                                                                                                                                               | Status   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Drafted the Policy, addressing NDOs 1 to 6 with supporting Annexures A, B and C.                                                                                                                                                     | Complete |
| Mapped NDO obligations to existing Mercury policies (EMRMP, Market Disclosure Policy, Information Security Policy, Commercial Credit Management Guidelines, OTC Engagement Principles) to confirm consistency and identify any gaps. | Complete |
| Board review and approval of the Policy.                                                                                                                                                                                             | Complete |

### 4.1 Pricing and trading practices (NDO 1 and NDO 2)

| Action                                                                                                                                                                                                                                   | Status   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Developed the Mercury Risk Management Contract Pricing Methodology, setting out how risk management contracts are priced to buyers on a trade-by-trade basis, applying consistent methods and rules regardless of counterparty identity. | Complete |
| Prepared the Objectively Justifiable Reasons Register (Annexure A), documenting the reasons Mercury may rely on to explain a difference in treatment, with the criteria and evidence required for each.                                  | Complete |
| Reviewed good faith trading and engagement practices, including response-time commitments for requests and offers, against the Authority's Guidance.                                                                                     | Complete |

### 4.2 Retail Price Consistency Assessment (NDO 1(3) and (4))

| Action                                                                                                                                                      | Status   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| RPCA modelling across all network reporting regions for existing and new mass market customers, to test the methodology ahead of the first RPCA disclosure. | Complete |
| First RPCA report and underlying data.                                                                                                                      | Complete |

### 4.3 Credit assessments (NDO 3)

| Action                                                                                                                                                                                                                | Status   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Confirmed the credit assessment framework in Annexure B, built on EMRMP section 14 for risk management contracts and the Commercial Credit Management Guidelines for large commercial and industrial physical supply. | Complete |

### 4.4 Information controls (NDO 4 and NDO 5)

| Action                                                                                                                                                                                                            | Status   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Prepared the Information Control Policy (Annexure C), identifying categories of commercial information subject to simultaneous disclosure, and categories withheld from both the retail business unit and buyers. | Complete |
| Confirming access controls preventing staff in the Customer business unit from accessing commercial information and data relating to risk management contracts (NDO 4).                                           | Complete |
| Confirming robust processes are in place to prevent disclosure of buyer confidential information to, and use of buyer confidential information by, the Customer business unit (NDO 5).                            | Complete |
| Established the business rule that Customer business unit staff are not to be present in discussions that identify buyers or risk management contracts, including in annual business planning.                    | Complete |
| Established an inadvertent disclosure response procedure, including containment, assessment, and Disclosure Committee escalation where relevant.                                                                  | Complete |



## 4.5 Record keeping (NDO 6)

| Action                                                                                                                                                                                                                                                                                     | Status   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Reviewed existing trading and record-keeping systems against clause 13.236T requirements.                                                                                                                                                                                                  | Complete |
| Record-keeping capability for: risk-adjusted capacity (3-year forward); monthly electricity supplied (12-month history and 3-year forward); receipt of, and responses to, requests for risk management contracts; pricing methodologies; differential treatment decisions; and complaints. | Complete |

## 4.6 Breach identification and self-reporting

| Action                                                                                                                                                                                   | Status   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Established the internal escalation pathway for suspected breaches, from staff identification through to Executive GM Wholesale Markets assessment and Chief Executive notification.     | Complete |
| Set out the mandatory content and submission requirements for a self-report to the Authority under clause 13.236Y, and the process for handling complaints received directly by Mercury. | Complete |

## 4.7 Training

| Action                                                                                                                                          | Status   |
|-------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Provided initial training on NDO covering Wholesale Markets, Board, and relevant individuals in Finance, Customer and Executive Leadership Team | Complete |

# 5 Ongoing Compliance Planning

The following sets out Mercury's planning for ensuring ongoing compliance with the NDOs, in addition to the actions above.

## 5.1 Training programme

Mercury's NDO annual-refresher training programme covers all employees and directors whose roles interact with the non-discrimination obligations, so that those involved in trading risk management contracts, credit assessment, information management, and compliance reporting understand their obligations and the Policy. In particular, the annual training programme will include the Board, relevant senior management, Wholesale Markets team, Finance, billing back-office, and retail pricing team.

Training completion is recorded and maintained by the Executive GM Wholesale Markets as part of Mercury's NDO record-keeping obligations under clause 13.236T.

## 5.2 NDO compliance audit

Mercury will appoint an independent auditor to conduct an annual audit of its compliance with the NDO requirements in Part 13, Subpart 5C. The audit is designed to support the annual director compliance certification from 1 July 2027. The scope of the audit is expected to test non-discrimination processes, practices and methodologies as set out in the Code and the Policy.

## 5.3 Reporting obligations and key dates

The following sets out Mercury's material reporting obligations under Subpart 5C from commencement.

| Obligation                                                                                | Code ref.         | Deadline                                                     |
|-------------------------------------------------------------------------------------------|-------------------|--------------------------------------------------------------|
| Submit implementation plan to the Electricity Authority and publish on Mercury's website. | Cl. 13.236S       | Within 45 business days of 1 July 2026 (by 3 September 2026) |
| Submit the Policy to the Electricity Authority and publish on Mercury's website.          | Cl. 13.236S(3)(a) | Within 45 business days of 1 July 2026 (by 3 September 2026) |
| Submit initial RPCA report to the Authority (as at 1 July 2026).                          | Cl. 13.236W       | Within 45 business days of 1 July 2026 (by 3 September 2026) |
| Publish public version of initial RPCA on Mercury's website.                              | Cl. 13.236X       | Within 10 business days of providing RPCA to Authority       |
| Submit RPCA report (as at 1 January each year).                                           | Cl. 13.236W       | Within 45 business days of 1 January                         |
| Submit RPCA report (as at 1 July each year).                                              | Cl. 13.236W       | Within 45 business days of 1 July                            |
| Submit annual report demonstrating NDO compliance (commencing 1 July 2027 period).        | Cl. 13.236V       | By 30 September each year                                    |
| Board director certification of NDO compliance.                                           | Cl. 13.236V(4)    | With annual report, by 30 September                          |



|                                                                                             |                |                                           |
|---------------------------------------------------------------------------------------------|----------------|-------------------------------------------|
| Appoint independent auditor and submit annual audit report (commencing 1 July 2027 period). | Cl. 13.236U    | By 30 September each year                 |
| Disclose amended Policy to the Authority.                                                   | Cl. 13.236R(3) | Within 10 business days of amendment      |
| Self-report any potential breach of Subpart 5C.                                             | Cl. 13.236Y    | Within 20 business days of becoming aware |

## 6 Contact

Queries about this implementation plan should be directed to:

### Executive GM Wholesale Markets

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