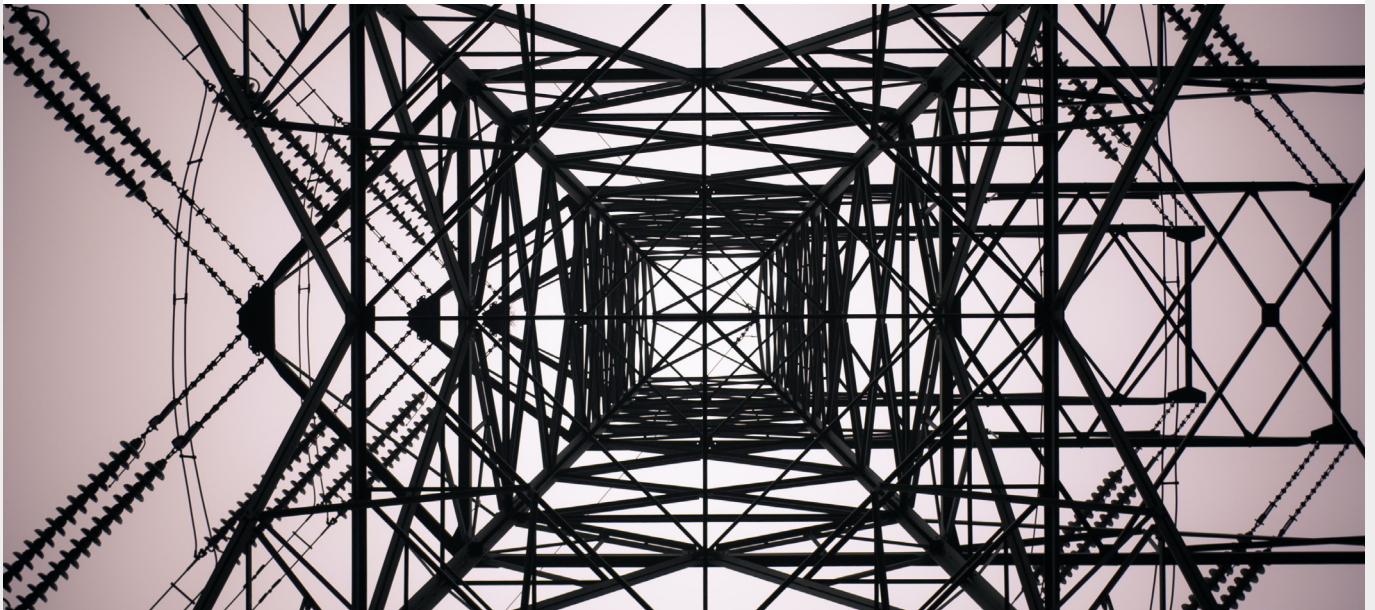


# Charging Station Operation License Has Been Introduced to the Electricity Market Law

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With the rapid increase in demand and supply for electric vehicles, the infrastructure necessary to provide energy to such vehicles has become more important than ever before. As Turkey is also developing its domestic electric car, one of the question marks hovering over the success of this project was the availability of the necessary infrastructure for charging facilities. As there was no legislation regulating such activities previously, there were many legal issues that needed to be clarified for the establishment, operation and implementation of the charging facilities.

Energy Market Regulatory Authority (“**EMRA**”) has taken a big step forward to provide a legal framework specifically for charging activities and has created a new licence type for vehicle charging activities.

With the enactment of the Omnibus Law numbered 7346<sup>1</sup>, an amendment (Additional Article 5) has been included in the Electricity Market Law numbered 6446<sup>2</sup> (“**EML**”) (Law No. 6446). According to the Additional Article 5 of the EML, charging services to be provided to electric vehicles will be provided under the “charging network operator” licence to be issued by EMRA going forward and it has become mandatory for suppliers who want to establish a charging network to obtain a license from EMRA.

The charging network operator licence holders will have the right to establish, procure the establishment, operate and procure the operation of charging networks and sign loyalty agreements with electric vehicle owners within the scope of their licences. While the responsibility will remain with the charging network operator licence holders, it will also be possible for the licence holders to provide charging services through their certified charging station operators.

1 Law on the Amendment of Certain Laws, published in the Official Gazette dated 25 December 2021 and numbered 31700

2 Electricity Market Law numbered 6446, published in the Official Gazette dated 30 March 2013 and numbered 28603

Under Additional Article 5 of the EML, the main rights and obligations of a charging network operator licence holder are determined as follows:

- Charging stations will be accessible by all electric vehicles;
- Charging service will be provided uninterruptedly and with high quality;
- Conditions regarding price and access will be determined in accordance with EMRA's procedures and principles, and will be announced beforehand;
- No payment, other than the announced price, will be requested from users;
- In order to comply with technical standards, the necessary management, audit and registration systems will be established and these systems will be made available for inspection;

Licence holders will have the right to determine freely the charging service price within the framework of procedures and principles to be announced by EMRA. However, it will not be possible to determine a pricing structure that distorts or restricts competition or the provision of charging services. According to Additional Article 5 of the EML, points to be considered in determining the charging service prices are listed as follows:

- Investment and operating costs for establishing a charging station and establishing a charging network;
- Electricity purchase costs and similar costs;
- Legal obligations such as taxes; and
- A reasonable profitability level.

While it has been stated that the price would be determined freely, it is also stated under Additional Article 5 of the EML that profitability should remain at a "reasonable level" and therefore, various question marks arose about pricing. It is considered that these uncertainties will be clarified with the regulations and decisions to be issued by EMRA in the near future.

The secondary regulation regarding the charging operator license should enter into force by the end of March 2022 according to the EML. The details regarding issuance and operation of such licence will be clarified by such secondary regulation.



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