

## Amendments to the Legislation Regarding Storage Activities in the Electricity Market Have Been Introduced

*1 Mar 2023*

Within the scope of the amendments enacted in the Electricity Market Law No. 6446 on 5 July 2022, it has been stated that persons who undertake to establish an electricity storage facility shall be granted a pre-license for the establishment of a wind and/or solar power generation facility up to the installed power of the committed storage facility; the existing license holders would be allowed to increase the capacity up to the installed capacity of the promised storage facility, and the procedures and principles regarding the implementation would be regulated by the Energy Market Regulatory Authority ("**EMRA**") with a regulation. The regulations drafted within this scope were presented to public opinion by EMRA until 19 September 2022.

Thus, in accordance with the finalized regulations: Regulation Amending the Regulation on Electricity Market Connection and System Usage, Regulation Amending the Regulation on Electricity Market Balancing and Settlement, Regulation Amending the Regulation on Electricity Market License, Regulation Amending the Regulation on Storage Activities in the Electricity Market, Regulation Amending the Regulation on Electricity Network and Regulation Amending the Regulation on Certification and Support of Renewable Energy Resources entered into force after being published in the Official Gazette dated 19 November 2022 and numbered 32018.

The important headlines from the amendment regulations together with the provisions regarding the storage activities in the electricity market and licenses and the transfer of the generation facility are as follows:

- When applying for a pre-license within the scope of the electricity generation facility with storage, the following conditions must be complied with:
  - The ratio of the electrical installed power of the electricity generation facility based on wind or solar energy to the installed power of the electricity storage unit undertaken, shall be maximum 1.
  - Applications shall consist of a minimum installed power of 20 MWe based on wind energy, and a minimum installed power of 10 MWe based on solar energy, and not to exceed 250 MWe.
  - The ratio of the undertaken electricity storage capacity to the installed power of the related electricity storage unit is at least 1.
  - The undertaken electricity storage unit shall be within the boundaries of the power plant area subject to the application.
- Legal entities holding electricity generation licenses that undertake to install electricity storage units from the generation facilities in operation are allowed to increase the capacity up to the installed capacity of the electricity storage unit they have undertaken.
- Storage facilities can be established in unlicensed electricity generation facilities established within the framework of the Unlicensed Electricity Generation Regulation in the Electricity Market ("

### **Unlicensed Regulation").**

- Within the scope of Article 5/1(ç) of the Unlicensed Regulation, the restriction stating that integrated electricity storage facility can be installed in the consumption facility has been removed.
- The electricity storage unit within the electricity generation facility with storage, the electricity storage unit integrated into the generation facility and the auxiliary source unit used in the power generation facilities with multiple sources are considered as the unit of the facility based on the main source and the facility is evaluated within the scope of a single associated pre-license or license.
- In terms of units based on wind or solar energy in electricity generation facilities with storage, a capacity equal to the installed power of the electricity storage unit can be put into operation.
- If the electricity storage unit, which is committed to be installed, is not put into operation within the specified time, the license is revoked.
- During the evaluation of the applications for the pre-license applications to be made within the scope of the storage electricity generation facility, the obligations regarding the submission of minimum capital and guarantee are not sought at the application stage.
- The provision stating that settlement amounts of electricity storage units integrated into generation facilities will not be considered within the scope of YEKDEM has been abolished.
- Changes in the title of license holder legal entities operating with regulated tariffs are subject to Board approval.
- Upon the finalization of the sale of the generation facility as a result of the enforcement proceedings, a new license shall be granted to this legal person as a continuation of the previous one, in case the legal person who purchased the generation facility that is the subject of the sale applies and fulfills its obligations.
- All direct or indirect share changes made in a way that does not create a control change in the shareholdership structure of the pre-license holder legal entity are included in the share transfer exemption.
- The mechanical installed power requested in license and associate degree applications cannot exceed twice the electrical installed power.

The full text of the Regulation Amending the Regulation on Electricity Market Connection and System Usage is available at this [link](#). (Only available in Turkish)

The full text of the Regulation Amending the Regulation on Electricity Market Balancing and Settlement is available at this [link](#). (Only available in Turkish)

The full text of the Regulation Amending the Regulation on Electricity Market License is available at this [link](#). (Only available in Turkish)

The full text of the Regulation Amending the Regulation on Storage Activities in the Electricity Market is available at this [link](#). (Only available in Turkish)

The full text of the Regulation Amending the Regulation on Electricity Network is available at this [link](#). (Only available in Turkish)

The full text of the Regulation Amending the Regulation on Certification and Support of Renewable Energy Resources is available at this [link](#). (Only available in Turkish)

---

## **Related Attorneys**

- [BENAN ARSEVEN](#)
- [C. HAZAL BAYDAR, LL.M.](#)

