

Charging Service Regulation Regarding Electric Vehicles

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The Charging Service Regulation ("**Regulation**") prepared by the Energy Market Regulatory Authority ("**EMRA**") was published in Official Gazette dated 2 April 2022 and numbered 31797, as the secondary legislation to Electricity Market Law numbered 6446 ("**EML**").

The Regulation includes provisions on the details of the establishment, operation and provision of charging services of charging units and stations that energy is supplied to electric vehicles.

The important issues regulated with the Regulation are as follows:

- **Scope:** Charging network operation is carried out within the scope of the charging network operator license obtained from the EMRA. However, private charging stations that do not operate commercially and charging units that users set up for their own needs are exempted from the obligation to obtain a license.
- **Minimum Conditions:** Mainly, the legal entity that will apply for a license to provide charging service must be established as a joint stock company or limited liability company in accordance with the provisions of the Turkish Commercial Code. Minimum paid-in capital of the company must not be less than the amount determined according to the procedure and principle to be issued by EMRA.
- **License Term:** License will be granted for a maximum of 49 years. License term can be extended upon request of the licence holder.
- **License Fees:** License fees will be applicable for obtaining a license, as well as amendment of a license. Furthermore, annual license fees will be applied, and EMRA is authorized to determine and announce the license fees to be applicable each year.

The annual license fee is calculated by multiplying the net sales amount related to the charging service activity carried out within the scope of the license included in the annual income statements of the charging network operator and the coefficient to be determined by EMRA each year. Annual license fee will not be collected for a period of five years starting from the beginning of the calendar year following the effective date of the Regulation.

- **General Rules on Charging Network:** Material rules on charging network and charging stations are as follows:
 - Charging network operators shall establish a charging network consisting of at least 50 charging units and charging stations in at least five different districts within six months from the effective date of its license.
 - Charging network operators shall ensure that (i) at least 5% of the charging units in the charging network and (ii) at least 50% of the charging units to be located on the highways and state roads under the responsibility of the General Directorate of Highways consists of DC 50 kW and above power charging units.
 - Charging stations should hold a business and working license in order to offer charging services.
 - Charging service at public charging stations should be offered to users of equal status, without discrimination, continuously and uninterruptedly. The charging service offered in terms of the charging stations available for use in the parking lots of workplaces such as hotels, restaurants and shopping centres are limited to the working hours of the workplace.
 - Charging stations can be established upon affirmative opinion of the relevant electricity grid operator company in the region, and no negative opinion can be given by the grid operator, except for specific instances listed in the Electricity Market Connection and System Usage Regulation.

- In order to meet the electricity, need of the charging station, an electricity generation facility based on renewable energy sources and an electricity storage facility integrated into the consumption facility will be established within the charging station.
 - Charging Network Operators shall establish communication systems allowing transmission of user complaints. Complaints of the users shall be resolved by Charging Network Operators within 15 business days.
- **Charging Fees:** Following rules are applicable for EV charging prices:
 - Subject to limitations set out under the legislation, price of the charging service is determined freely.
 - Operating and investment expenses, amortisation, electricity purchase costs and similar expenses, legal costs such as taxes and funds and a reasonable profit margin shall be taken into account in determination of charging fees by the charging network operators.
 - The charging service price is applied in terms of the unit energy (kWh) price transferred to the electric vehicle (TRY/kWh). Different prices may be determined for different types and power of charging units.
 - Apart from the price calculated on the basis of the charging service price, no separate charge (including any connection fee, initiation fee, charging equipment fee etc.) can be demanded from the customer for the charging service.
 - The charging network operator announces the charging service prices applied at the charging stations in the charging network on its own website, digital channels and in a manner which can be reached from charging stations.
 - The charging service prices to be applied the next day shall be notified to EMRA by the charging network operators until 17:00 on the current day. The prices announced become effective as of 00:00 on the following day and are applied until the next change.
 - The charging service price to be applied by the charging network operators cannot exceed 25% of the lowest price applicable to the users with whom they have signed a loyalty agreement with. Charging network operators cannot demand a separate fee under any name, such as contract price or membership fee, from users with whom they have signed a loyalty agreement.
 - If there are any activities, agreements or actions in the market which may disrupts or restricts the activities under the Regulation or the competition in the market EMRA is authorized to take necessary precautions and impose minimum and/or maximum charging fees either regionally or nation-wide. Such minimum and/or maximum charging fees set by EMRA cannot exceed three months each time, however based on evaluation of the EMRA of the effect of the disruptive activities, minimum and maximum charging fee limits can be introduced.
 - **Free Access Platform:** A Free Access Platform shall be established and operated by EMRA, where the geographical locations, charging unit numbers, powers and types, socket numbers and types, availability, payment method and charging service prices of public charging stations in all charging networks are published.
 - **Restriction of License Rights:** Rights under the License cannot be transferred or encumbered without permission of EMRA. A legal entity holding a license may transfer its rights and obligations under this Regulation to another legal entity through merger or division pursuant to the Turkish Commercial Code, provided that the approval of the EMRA is obtained.
 - **Grace Period:** Existing EV station owners shall provide compliance with the Regulation until 2 August 2022.

Details of the Regulation can be found through this [link](#). (Only available in Turkish)

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