

Material Changes in the Electricity Market Licensing Regulation

1 Nov 2023

With the amendments made to the Electricity Market License Regulation, new regulations have been introduced in the conditions under the Environmental Impact Assessment Regulation, and particularly the obligation to notify changes in the shareholding structure of legal entities holding market operation licenses below four percent of the capital. The Regulation Amending the Electricity Market License Regulation ("**Amending Regulation**"), published in the Official Gazette dated 14 October 2023 and numbered 32339, introduced new regulations. Particularly the obligation to notify changes in the shareholding structure of legal entities holding market operation licenses below four percent of the capital has been imposed; and the conditions within the scope of the Environmental Impact Assessment Regulation ("**EIA Regulation**") during the establishment of the facilities have been modified.

Notable amendments introduced with the Amendment Regulation are as follows:

- Changes in the shareholding structure of legal entities holding market operation licenses that directly represent less than four percent of their capital must be notified through on the Application System of EMRA (Energy Market Regulatory Authority) within one month from the date of the change.
- In case the land is not owned by the licensee, the obligations of expropriation decisions for water retention areas in hydroelectric power plants, expropriation decisions and/or forestry preliminary permits for the ash sites of thermal power plant projects based on domestic mines and imported coal, and allocation procedures for the site where the generation facility will be established in nuclear power plants have been removed from the works that must be completed within the pre-license period in order to start the investment of the generation facility subject to the pre-license. In this context, it is determined that forestry pre-permits submitted by the pre-license holder until 31/12/2025 will be considered as forestry permits obtained within the scope of the pre-license.
- The provision stipulating that the land to be installed in the field subject to the wind energy-based generation license shall be the land of the license holder has been amended and it has been regulated that the installation can also be made on the land that the license holder will only have the right to use.
- Upon the approval of the amendment application made for the addition of an integrated electricity storage unit to the generation facility subject to the pre-license and generation license or for the establishment of a stand-alone electricity storage facility by the supply license holders, it is regulated as a condition for the amendment to apply to the relevant institutions for a decision rather than taking a decision within the scope of the EIA Regulation.
- In the event that an application for license amendment is made by changing the mechanical capacity or electrical installed capacity of the generation facility subject to the license, it is regulated that the application to the relevant institution should be made, and the decision should be submitted to the relevant institution within forty-five days for the decision to be taken within the scope of the EIA Regulation.
- It is regulated that TEİAŞ will publish the capacities of regional generation facilities that can be connected to the system for the five years following 2023 and the following ten years until

01.04.2024 on its website.

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

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