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*Official Gazette dated 28/01/2014, numbered 28896*

## **ELECTRICITY MARKET CONNECTION AND SYSTEM USAGE REGULATION**

### **CHAPTER ONE**

#### **Purpose, Scope, Legal Basis, Definitions and Abbreviations**

##### **Purpose and Scope**

**ARTICLE 1 -** (1) The purpose of this Regulation is to regulate the procedures and principles regarding the connection of individuals and legal entities to the electricity transmission or distribution system and their use of said systems and interconnection lines.

(2)<sup>1</sup> Matters regarding the connection of OIZ participants to the system and use of the system within the scope of the Regulation on the Electricity Market Activities of Organized Industrial Zones published in the Official Gazette dated 14/03/2014 and numbered 28941 shall be outside of the scope of this Regulation.

##### **Legal Basis**

**ARTICLE 2 -** (1) This Regulation has been prepared based on the Electricity Market Law No. 6446, dated 14/03/2013.

##### **Definitions and Abbreviations**

**ARTICLE 3 -** (1) The following definitions shall be ascribed to the terms used in this Regulation;

a) Connection agreement: Agreement consisting of general and special provisions, which is made for the connection of a generation company, distribution company or consumer to the transmission system or distribution system;

b)<sup>2</sup> Connection line: Line necessary to connect the interior installation of consumers and switchyards of generators to the distribution network, which is within the distance boundaries specified in this Regulation, situated within the area starting from the building entry until the distribution network for consumers connected from AG, and starting from the end point of the switchyard of the consumer until the distribution network for consumers connected from OG, and starting from the end point of the switchyard until the distribution network for generators;

c) Connection point: Terminal pole from the end point of switchyards belonging to transmission facilities, and generation and consumption facilities connected to the system at distribution voltage level, and the building entry of consumers connected to the system from low voltage level,

ç) Distribution: Conveyance of electricity through 36 kV or a lower voltage lines;

d) Distribution company: Legal entity engaged in electricity distribution within a designated zone;

e) Distribution facility: Facilities and equipment established for the purpose of electricity distribution as well as meters installed or taken over by a distribution company, situated within the

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<sup>1</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>2</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

area starting from the terminal pole from the end point of switchyards belonging to transmission facilities, and generation and consumption facilities connected to the system at distribution voltage level, until the building entries of consumers connected to the system from low voltage level, excluding the area between building entries and the meters;

f) Interconnection: Connection of the national electricity system, comprising the entirety of the transmission and distribution systems, to the electricity system of another country,

g) Interconnection usage agreement: Agreement executed between the generation companies and supplier companies using international interconnection lines and the transmission or distribution companies operating these lines, governing the principles and procedures regarding the use of interconnection lines;

ğ) Transmission: Conveyance of electricity via lines with a voltage level higher than 36 kV;

h) Transmission facility: Facilities from the terminal pole following the switchyard of a generation or consumption facility where generation and consumption facilities are connected at a voltage level higher than 36 kV to the connection points of the distribution facilities including medium voltage feeders of transmission switchyards;

ı)<sup>3</sup> Relevant legislation: Laws, Presidential decrees, Presidential decisions, regulations, licenses, communiqués, circulars and Board decisions regarding the electricity market;

i) Law: Electricity Market Law No. 6446, dated 14/03/2013;

j) User: An individual or legal entity that connects to the transmission or distribution system or uses these systems or interconnection lines;

k) Authority: Energy Market Regulatory Authority;

l) Board: Energy Market Regulatory Board;

m) License: The permit granted to legal entities to operate within the market in accordance with this Law,

n) Pre-license: A permit issued for a definite term to legal entities intending to engage in generation activities, in order to obtain approvals, permits, licenses, etc. required to commence generation facility investments;

o)<sup>4</sup> OIZ: Organized industrial zones, which acquire legal personality through incorporation pursuant to the Organized Industrial Zones Law No. 4562, dated 12/04/2000;

ö) Private direct line: A line that is outside the transmission or distribution network, established and operated in accordance with the standards applicable to the national transmission or distribution system and in accordance with the provisions of the system control agreement to be executed, in order to convey electricity between the generation facility of a generation license holder legal entity and its customers and/or affiliates, or to export electricity that is generated in a generation facility established by a generation license holder within provinces that are located along the border of Turkey without establishing a connection to the transmission or distribution system;

p) System control agreement: Agreements subject to private law provisions executed between TEİAŞ or a distribution company and a legal entity subject to private law provisions being the owner or operator of a private direct line, which contain provisions ensuring the stability and operational integrity of transmission and distribution systems;

r) System usage agreement: Agreement containing general provisions and specific terms and conditions for the relevant user as regards to the usage of the transmission system or distribution system by a generation company, a company holding a supply license or a consumer;

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<sup>3</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>4</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

- s) Supplier: Generation companies and companies holding a supply license that supply electricity and/or capacity;
- ş) Supplier company: A legal entity that can engage in activities of wholesale and/or retail sale, import, export and trade of electricity and/or capacity;
- t) TEİAŞ: Turkish Electricity Transmission Corporation;
- u) Consumer: One that purchases electricity for its own use;
- ü) Generation company: A legal entity subject to private law provisions that is engaged in electricity generation at a generation facility or facilities owned, leased, or acquired through financial lease or whose operating rights has been transferred to it, and the sale of the electricity it generates;
- v)<sup>5</sup> AG: Voltage level, the effective voltage of which is 1000 Volts and below;
- y)<sup>6</sup> Distribution network: The distribution facility, excluding those connection lines installed to connect the interior installations of the consumers and switchyards of the generators to the distribution system;
- z)<sup>7</sup> Temporary connection: The connection established for a limited period of time of less than 10 (ten) years in order to meet the electricity need of places such as construction sites, fairs, amusement parks, fairs and mines, etc.;
- aa)<sup>8</sup> Interior installation: The electrical installation located after the connection point of consumption facilities which is under the responsibility of the user;
- bb)<sup>9</sup> Residential area: "Settlement area" and "built-up area and vicinity of villages and hamlets outside the boundaries of municipality and urban areas" as specified in the Unplanned Areas Zoning Regulation published in the Official Gazette dated 2/11/1985 and numbered 18916, as well as parts of pastures, summer pastures (highlands) and winter quarters opened to temporary settlement in accordance with the relevant legislation;
- cc)<sup>10</sup> OG: Voltage level, the effective voltage of which is higher than 1000 Volts and lower than 36 kV (including 36 kV);
- çç)<sup>11</sup> TEDAŞ: General Directorate of Turkish Electricity Distribution Corporation;
- dd)<sup>12</sup> Long term electricity generation development plan: The plan prepared by TEİAŞ in accordance with Article 20 of the Law and approved and published by the Ministry of Energy and Natural Resources;
- ee)<sup>13</sup> Building entry: The connection or switching or protection tool in building equipment such as roof pillars, consoles, terminal boxes, main panels on or inside the building, and in places other than buildings, the connection or switching or protection tool in the main panel of the place of use, to which the connection line can connect, and which is the starting point of the interior installation of the user facilities connected at AG level, and which is shown in the interior installation project, and which is deemed appropriate by the distribution company and established by the user;

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<sup>5</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>6</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>7</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>8</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>9</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>10</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>11</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>12</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>13</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

ff)<sup>14</sup> Electricity storage facility: A facility that can store electricity and feed the stored energy into the system;

gg)<sup>15</sup> Independent electricity storage facility: An electricity storage facility which is connected directly to the network without having any connection with a generation or consumption facility;

ğğ)<sup>16</sup> Transmission system: Electricity transmission facilities and network.

(2) Other concepts and abbreviations used in this Regulation shall have the meanings and scope attributed to them in the relevant legislation.

## **CHAPTER TWO**

### **General Principles**

#### **Connection and system usage rights**

**ARTICLE 4 -** (1) Requests of individuals or legal entities for connection to the transmission and distribution system and system usage shall be met by TEİAŞ and the distribution company without discrimination among equal parties.

(2) The freedom of a consumer that has become an eligible consumer to choose its supplier shall not be interfered with in any manner and the rights of eligible consumers to connect to the system and their system usage rights shall not be prevented.

(3) No negative opinion may be given about the connection of individuals or legal entities to the transmission or distribution systems operated by TEİAŞ or the distribution company and their system usage, except for the following situations:

a) The network at the point where the connection is to be made having inadequate technical specifications on the envisaged date of connection,

b) The project of the facility envisaged to be connected failing to meet the standards specified in the Electricity Market Network Regulation, Electricity Market Distribution Regulation and other relevant legislation regarding connection to the system,

c) Documentation by TEİAŞ or the distribution company, together with justifications thereof, that the connection and electricity conveyance intended to be made prevents public service obligations,

ç) If applicable to the project of the facility envisaged to be connected, values such as voltage drop, harmonic, electromagnetic interference and flicker level failing to meet the limits specified in the relevant legislation at the entry or exit point of the network and at the transmission and distribution stages,

d) The facility envisaged to be connected causing the quality of the system electricity to become non-compliant with the standards specified in the relevant legislation,

e) As for wind or solar power based generation facility connection requests, existence of a connection point that is economically more advantageous and causes less system loss in comparison to the requested connection point.

(4) The negative opinions of TEİAŞ and the distribution company regarding connection to the system and system usage shall be justified. If the justifications for the negative opinion regarding connection to the system and the system usage are not approved by the Board as a result

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<sup>14</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>15</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>16</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

of the examination made or commissioned by the Authority, TEİAŞ or the distribution company shall sign the connection and system usage agreements with the applicant.

(5) In case connection to the system is not possible due to any of the conditions specified in this Article as of the point where connection is requested, another connection point may be offered by TEİAŞ or the distribution company.

(6) The objections filed by individuals or legal entities who intend to establish a connection to the transmission or distribution system on matters such as conduct of the following by TEİAŞ or the distribution company regarding connection to the transmission or distribution system and system usage shall be examined by the Authority and finalized within a maximum of sixty days from the date of application:

- a) Failure to offer fair conditions,
- b) Discriminatory conduct,
- c) Insufficiency of the justifications provided.

Objections regarding generation facilities shall be concluded by the Board.

### **Connection opinions issued for generation facilities**

**ARTICLE 5** - (1) Opinions issued by TEİAŞ or distribution companies regarding connection of generation facilities to transmission or distribution systems within the scope of this Regulation shall be deemed to have been issued within the framework of Article 23 of the Law.

(2)<sup>17</sup> TEİAŞ, for the following five and ten years, and distribution companies, for the following five years, shall annually announce on their own websites the regional availability for generation facility capacity that may be connected to their system until April 1. No connection opinion shall be given to generation facilities other than the regional capacities published in the aforementioned manner. If requested by the Ministry of Energy and Natural Resources for the purpose of ensuring security of supply, and requested by the Authority for the development of competition within the market, TEİAŞ and distribution companies shall increase the specified capacities and number of connection points in view of the system conditions.

(3)<sup>18</sup> The following principles shall be applied by TEİAŞ in determining the five-year regional availability for generation facility capacities within the scope of the second paragraph:

a) TEİAŞ shall take into account the capacity of the transmission facilities and transformer stations that are existing and that have been included in the investment program within a five-year period when determining the five-year regional availability for generation facility capacity,

b) The five-year regional availability for connectable generation facility capacity as determined within the scope of sub-paragraph (a) shall be notified by TEİAŞ for transmission and distribution voltage levels until March 1 of each year for each year and on a regional basis to the Authority and distribution companies.

(4)<sup>19</sup> The following shall be conducted by distribution companies within the framework of determining the five-year regional availability for generation facility capacities within the scope of the second paragraph:

a) The five-year regional availability for generation facility capacities that may be connected to their regions shall be notified to the Authority until April 1 for each year on a regional basis as specified in sub-paragraph (b) by also indicating the connectable capacity, in view of the notifications made by TEİAŞ under sub-paragraph (b) of the third paragraph and by taking into

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<sup>17</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>18</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>19</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

account the licensed and unlicensed generation facilities that are currently connected to the distribution system or for which an affirmative opinion has been given about their connection,

b) The generation facilities, which are connected and for which an affirmative opinion has been given about their connection shall be announced on the websites on a regional basis as a list, by also indicating their capacities. Generation plants, which are connected and for which an affirmative opinion has been given about their connection shall be indicated separately in the list and the total capacity information shall also be included. In this list, the total capacity of unlicensed generation facilities, which are connected to the network and for which an invitation letter has been issued shall be indicated separately.

(5)<sup>20</sup> The Long Term Electricity Generation Development Plan shall be taken into consideration by TEİAŞ in determining the ten-year regional availability for generation facility capacities under the second paragraph.

### **Connection opinions issued for electricity storage facilities**

**ARTICLE 5/A**<sup>21</sup> - (1)<sup>22</sup> Opinions issued by TEİAŞ or distribution companies regarding connection of electricity storage facilities to transmission or distribution systems within the scope of this Regulation shall be deemed to have been issued within the framework of Article 23 of the Law.

(2) The electricity storage unit adjoined to the generation facility shall be connected to the network from the connection point that the generation facility is connected.

(3) The electricity storage unit adjoined to the generation facility shall be regarded as a unit of the generation facility, and the electricity storage facilities adjoined to the consumption facility shall be regarded as an element of the consumption facility within the scope of this Regulation.

(4) The transmission facility investments required to connect individual electricity storage facilities to the transmission system, preparation of immovable property acquisition files regarding the relevant facilities (if applicable), payments required to be made for immovable property acquisition, and mandatory fees, such as forest permits, right of way and excavation fees, shall be covered by applicant legal entities. These facilities shall be transferred to TEİAŞ at a nominal fee upon completion of provisional acceptance without need for further transaction, in exchange for maintenance and operating responsibility. In case individual electricity storage facilities are disconnected from the transmission system for any reason, Article 9 shall be applied.

(5) Individual electricity storage facilities shall be connected to the distribution system on condition that all required facilities for connection to the distribution system are established by the user and the operation, maintenance, repair and renewal works rest with the user.

### **Unlicensed generation facilities**

**ARTICLE 5/B**<sup>23</sup> - (1)<sup>24</sup> Provisions of this Regulation on “connection line” regarding generation facilities shall also apply to unlicensed generation facilities.

(2) Article 21 shall also apply to generation facilities that fall within the scope of the Regulation on Unlicensed Electricity Generation in the Electricity Market published in the Official Gazette dated 12/05/2019 and numbered 30772.

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<sup>20</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>21</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>22</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>23</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>24</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

(3) The distribution facility and/or transmission facility investments pertaining to generation facilities to be established within the scope of sub-paragraph (h) of the first paragraph of Article 5 of the Regulation on Unlicensed Electricity Generation in the Electricity Market, preparation of immovable property acquisition files regarding the relevant facilities (if applicable), payments required to be made for immovable property acquisition, and mandatory fees, such as forest permits, right of way and excavation fees, shall be covered by applicant individuals or legal entities. These facilities shall be transferred to the relevant network operator at a nominal fee upon completion of provisional acceptance without need for further transaction, in exchange for maintenance and operating responsibility.

(4) In addition to this Article, the provisions of the Regulation on Unlicensed Electricity Generation in the Electricity Market shall apply to connection of unlicensed generation facilities to the system.

### **CHAPTER THREE**

#### **Connection to the Transmission System and System Usage**

##### **Connection and system usage agreements**

**ARTICLE 6 -** (1) Distribution companies, OIZs and consumers that intend to connect to the transmission system and use the transmission system shall apply to TEİAŞ. TEİAŞ shall examine the connection application in accordance with the procedures and principles specified in this Regulation and the Electricity Market Network Regulation and notify its opinion on the connection application to the applicant in writing together with its reasons within forty-five days from the date of application.

(2)<sup>25</sup> Applications regarding connection of generation facilities to the transmission system and their system usage shall be made within the framework of the Electricity Market Licensing Regulation. TEİAŞ shall finalize its opinion formed within the scope of this Regulation and the Electricity Market Network Regulation regarding the transformer station to which the generation facility subject to the application is requested to be connected and the connection capacity of the same within forty-five days from the date of notification and submit it to the Authority.

(3)<sup>26</sup> If there are multiple applications to connect to the transmission system from the same connection point and it is not possible to meet all of said applications, all applicants shall be informed about this situation and the following applications shall be given priority in this context;

a) As for consumption facilities, the following applications shall be given priority, in the following order;

- 1) Application filed by the distribution company,
- 2) Application filed by the OIZ distribution license holder legal entity,

b) As for generation facilities, the following applications shall be given priority, in the following order;

- 1) Application regarding generation facilities based on domestic coal,
- 2) Application regarding generation facilities based on renewable energy resources.

In other cases, if there are no other special provisions in the electricity market legislation, the process shall proceed in order of application.

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<sup>25</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>26</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

(4)<sup>27</sup> As for generation facilities that are deemed appropriate to be connected to the transmission system, the applicant shall apply to TEİAŞ for connection and system usage agreements within the pre-license term before applying for a generation license.

(5)<sup>28</sup> TEİAŞ shall conclude the connection agreement and system usage agreement with the applicant, who is deemed appropriate to be connected to the transmission system as illustrated in Annex-1. As for connection and system usage, standard connection and system usage agreements prepared by TEİAŞ and approved by the Board in accordance with this Regulation shall be used between TEİAŞ and the user. Said agreements shall contain rules on operating of the transmission system under ordinary operating conditions, and situations that pose a risk to the operational security and integrity and the system usage agreement shall contain penalty clauses to apply in case of breach of the aforesaid rules. TEİAŞ shall follow up the specified system usage breaches. TEİAŞ shall apply the penalty clauses and other sanctions specified in the system usage agreement to legal entities identified to be in breach of the aforesaid rules. General provisions of these agreements cannot be amended without the approval of the Board. The Board may amend the general provisions of these agreements when necessary. In case the general provisions of these agreements are amended by the Board, the agreements containing the new general provision shall be executed between TEİAŞ and the users within 2 months from the date of the notification to be made by TEİAŞ to the users or, if deemed appropriate by TEİAŞ, the amended provisions shall enter into force through execution of an addition protocol regarding the provisions amended by the Board within 2 months from the date of the notification to be made by TEİAŞ. Generation and consumption facilities pertaining to individuals and legal entities who fail to apply for execution of the connection and system usage agreements despite notification from TEİAŞ shall be disconnected from the transmission system by TEİAŞ through a notification to be served five business days in advance.

(6)<sup>29</sup> Individuals and legal entities who are connected to the transmission system yet who have not signed a connection and system usage agreement with TEİAŞ shall pay to TEİAŞ the transmission fees approved by the Board and other fees as stipulated in the type agreements approved by the Board.

(7)<sup>30</sup> Connection and system usage agreements regarding generation facilities shall not be signed before the generation license is obtained. However, the Authority may deem it appropriate to sign a connection agreement with the pre-license holder legal entity, provided that the pre-license holder applies to TEİAŞ and TEİAŞ issues an affirmative opinion.

(8)<sup>31</sup> A connection agreement may be signed with legal entities that have filed a generation license application by way of obtaining Board approval for transfer, following obtaining said approval for transfer.

(9)<sup>32</sup> Connection and system usage agreements shall enter into force from the date that they are signed by the parties. However, transmission fees and other fees as stipulated in type agreements approved by the Board shall for the first time be implemented based on the date that the transmission system was first used for consumption-side use of the transmission system, and

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<sup>27</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>28</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>29</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>30</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 29 September 2018 and numbered 30550.

<sup>31</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 29 September 2018 and numbered 30550.

<sup>32</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 29 September 2018 and numbered 30550.



based on the provisional acceptance of each unit for generation-side use of the transmission system.

(10)<sup>33</sup> Generation license holder transmission system users may not request the termination of their system connection and/or system usage agreements prior to expiration of their licenses.

(11)<sup>34</sup> In case generation license holder legal entities directly connected to the transmission system utilize the energy that they generate before conveying it to the transmission system, in order to meet the needs of the consumption facilities that it owns, leases, has acquired through financial leasing or acquired the operating rights of and which are connected to the same busbar in the switchyard, whose ownership and operating right pertains to it, then the electricity supplied to or withdrawn from the transmission system when determining the feed out and/or feed in energy data shall be taken as basis when calculating the variable transmission fees. Single connection and system usage agreement shall be executed between generation license holders whose connection is as defined in this paragraph and TEİAŞ, in a manner not to fall below the total of the contract powers under the existing agreements regarding feed in and feed out.

### **Contract power**

**ARTICLE 7<sup>35</sup>** - (1) The capacity allocated to the user under connection and system usage agreements constitutes the contract power of that user. The maximum value of the electricity capacity supplied to or withdrawn from the connection point to the transmission system shall not exceed the contract power specified in the connection and system usage agreements.

(2) The contract powers annotated to the first connection and system usage agreements that consumers are to execute with TEİAŞ shall be the same as the power value specified in the connection opinion given by TEİAŞ.

(3) In case the user breaches the contract power, the sanctions set out in the system usage agreement regarding said breach shall be applied without need for further notice. In case the contract power is exceeded with the instructions given by TEİAŞ, the excess pertaining to the time periods for which TEİAŞ has given instructions shall not be regarded as excess of power.

(4) Without prejudice to the third paragraph, TEİAŞ shall warn the user who exceeds the contract power in a way that poses a risk to the security of the transmission system, to cease such breach. Generation companies shall cease the breach of contract power as of receipt of warning notice, while other users shall cease the breach of contract power within thirty days from receipt of warning notice. In case of failure to comply with said obligation, the power of the relevant user may be cut off. The costs to accrue in case of cut off and re-supply of power shall be covered by the relevant user.

(5) TEİAŞ may activate automatic power cut off systems so that electricity is not received and supplied above the contract power in a way to adversely affect the transmission system.

(6) In case TEİAŞ fails to provide the capacity undertaken in the system usage agreement executed with the user, provisions regarding the fees to be paid by TEİAŞ in said case shall be regulated in the system usage agreement.

(7) Distribution companies, distribution license holder OIZs and consumers may request that their contract power be increased for at most three times in the same pricing year. TEİAŞ shall notify its opinion on the power increase requests of users within the scope of this sub-paragraph within forty-five days from the application date. If no opinion is notified until the end of said

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<sup>33</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 29 September 2018 and numbered 30550.

<sup>34</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>35</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

period, the power increase request shall be deemed accepted. The feed in and feed out side power increase requests filed for the same facility shall be evaluated separately. The feed in side power increase requests of generation license holders shall be evaluated within the scope of this sub-paragraph. Users shall not exceed the contract power before the power values under the system usage agreement are revised within the scope of this sub-paragraph.

(8) Distribution companies, distribution license holder OIZs and consumers may request that their contract power be decreased for at most once in three years, in a way to be effectuated two months after the request date. The feed in and feed out side power decrease requests filed for the same facility shall be evaluated separately. The feed in side power decrease requests of generation license holders shall be evaluated within the scope of this sub-paragraph. Consumers shall not make a power decrease request in a manner to fall below the power value specified in the connection opinion given by TEİAŞ. However, in case a new transformer station is established by TEİAŞ and part of the power in the existing transformer station of the consumer is transferred to the new transformer station, power decrease shall be allowed on condition that the total of the contract powers do not fall below the existing contract power. Distribution companies and distribution license holder OIZs may make a power transfer request at most once in the same pricing year for the same transformer stations for each transformer station combination on the basis of region where transmission system system usage and system operating tariff is applied and in a manner not to fall below the total contract power. The first contract power of distribution companies and distribution license holder OIZs, pursuant to whose request a new transformer station is established, shall not be below the requested power and no power decrease request shall be made in a manner to fall below said power. TEİAŞ shall not commence to establish the transformer station before a connection agreement is executed between TEİAŞ and the requesting distribution company or distribution license holder OIZ for the transformer station to be established within this scope. No collateral shall be obtained from distribution companies and distribution license holder OIZs under the connection agreement for the transformer stations to be established within this scope.

(9) The feed out side contract powers of generation license holders shall be the same as the installed capacity value annotated to their licenses. Feed out side contract power amendments of generation license holders shall be effectuated in a manner to be compliant with the license amendments, without regard to the time periods specified in this Article.

(10) A system usage agreement shall be prepared by TEİAŞ based on the power taken as basis for the transformer station request within two months following provisional acceptance of the transformer stations established within the scope of the eighth paragraph, and submitted to the requesting electricity distribution company and/or distribution license holder OIZ for signature. The relevant distribution company and/or distribution license holder OIZ shall sign the system usage agreement and transfer load to the transformer station subject to request within nine months from the notification made by TEİAŞ.

### **Ownership boundaries of the transmission system**

**ARTICLE 8 - (1)** Facilities from the terminal pole following the switchyard of a generation or consumption facility where generation and consumption facilities are connected at a voltage level higher than 36 kV to the connection points of the distribution facilities including medium voltage feeders of transmission switchyards shall constitute the ownership boundary of the transmission system.

(2) In case the connection of a generation or consumption facility to the transmission system is made through a switchyard of another generation or consumption facility, the right of use, operation and maintenance of the feeder connected shall rest with TEİAŞ. However, TEİAŞ may have the relevant generators or consumers perform the operation and maintenance of such equipment against the price thereof.

(3)<sup>36</sup> OG/AG transformers that meet the internal needs of transmission facilities such as transformer station, capacitor station and/or those that feed only places such as buildings, lodging buildings, guesthouses, etc, which constitute an integral part of these facilities, as well as the OG and AG network pertaining to same, shall be deemed as auxiliary facilities of the transmission facility. The ownership and operating responsibility of the facilities that fall within this scope, which are located within the boundaries of the transmission facility, shall rest with TEİAŞ, unless the parties agree otherwise. In addition, the distribution company shall sign the required agreements with TEİAŞ and the users in a way to ensure that the users covered by this paragraph, who are in places of use other than internal need, become users of the distribution system. The mere fact that the distribution company has signed an agreement with TEİAŞ regarding an OG/AG transformer within this scope does not turn said OG busbar into a busbar that is used by the distribution company.

### **Leaving the transmission system**

**ARTICLE 9 - (1)**<sup>37</sup> When the users who use the transmission system in the consumption direction intend to terminate their transmission system usage by separating the facilities and equipment connected to the transmission system from the system, the transmission system usage shall be terminated within 15 days at the latest from the written application made to TEİAŞ, unless the parties agree on a different period. Generation license holder users may not request to leave the transmission system unless their license is cancelled or expired.

(2)<sup>38</sup> TEİAŞ and the user shall remove their assets from each other's land within six months following the physical disconnection from the system, unless the parties agree on a different period. Said period may be extended up to two years should TEİAŞ and the user so agree.

(3)<sup>39</sup> In case a user who left the transmission system for any reason requests to be reconnected to the transmission system from the same point within one year from the date of leaving, such user shall pay to TEİAŞ the fee calculated according to the fixed transmission fees pertaining to the relevant period over the previous contract power for the period between the date of leaving and the date of reconnection.

(4)<sup>40</sup> In case the generation facilities connected to the transmission system will be deactivated for 1 (one) year or more, upon the application of the generation license holder to TEİAŞ, the system connection and system usage agreements regarding the facility shall not be terminated and the user shall not be disconnected from the system. In this case, the user shall continue to pay 10% of the fixed transmission fees to TEİAŞ. In case the facility is activated in less than one year, the outstanding fees shall be collected from the user.

## **CHAPTER FOUR**

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<sup>36</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>37</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 29 September 2018 and numbered 30550.

<sup>38</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>39</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>40</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 29 September 2018 and numbered 30550.

## Connection to the Distribution System and System Usage

### Connection application

**ARTICLE 10 - (1)**<sup>41</sup> As for consumption facilities, the owner of the place of use which is requested to be connected to the distribution system, the individuals and legal entities that have disposal right over the place of use, or the individuals or legal entities authorized by them shall apply to the distribution company within the distribution region in which they are located, by indicating the date that they request to be connected.

(2) The applicant, who requests connection within the scope of the first paragraph, shall submit the following to the distribution company:

- a) Title deed and approved electricity project,
- b) Construction usage permit in accordance with Articles 30 and 31 of the Zoning Law dated 03/05/1985 and numbered 3194 for those located in a zoning area,
- c) Construction usage permit in accordance with Articles 27 and 30 of the Zoning Law No. 3194 for those located in built-up areas and vicinity of villages and hamlets,
- ç) Certificate regarding construction usage permit to be issued by the Provincial Directorates of Environment and Urbanization for those located outside of zoning areas and built-up areas of villages,
- d) Permit to be obtained from the relevant authorities within the scope of the relevant legislation for places of use that do not require a license,
- e) Permit obtained for the areas covered by the Law on Supporting the Development of Forest Villagers, Valuation of Areas Taken out of Forest Area Borders on behalf of the Treasury and Vending of Agricultural Lands owned by the Treasury dated 19/04/2012 and numbered 6292,
- f) Construction site connection in buildings under construction and/or the construction license obtained in accordance with the Zoning Law No. 3194 for permanent connection of these structures,
- g) Other documents to be requested if required by the relevant legislation.

(3) Individuals or legal entities who intend to procure electricity by establishing a provisional connection to the distribution system for a certain period limited to its intended purpose, shall make an application on the condition to submit the permit required per the electricity project and intended purpose.

### Connection opinion

**ARTICLE 10/A**<sup>42</sup> - (1)<sup>43</sup> It is essential that the request of individuals or legal entities to connect to the distribution system is met by the distribution company within the framework of this Regulation and the provisions of the relevant legislation.

(2) The connection application shall be evaluated by the distribution company within the framework of Article 4 and this Article, taking into account any necessity for an expansion investment or a new investment depending on the current state of the distribution system.

(3) Upon written request of the Authority within the scope of the pre-license process, the connection opinion on the connection to the distribution system of the legal entity intending to engage in electricity generation activity by connecting to the distribution system and using the distribution system shall be prepared and notified in accordance with the provisions of this

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<sup>41</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>42</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>43</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

Regulation, the Electricity Market Licensing Regulation and Electricity Market Distribution Regulation. Generation facilities based on domestic coal, renewable energy resources and other resources shall be given priority, respectively, in the preparation of the connection opinion and connection to the system by the distribution company. In other cases, if there are no other special provisions in the electricity market legislation, the process shall proceed in order of application.

(4)<sup>44</sup> As for consumption facilities which are requested to be connected;

a) Following the examination to be made by the distribution company, the applicant shall be notified of the connection opinion in writing or electronically, if so requested by the user, which shall specify a reasonable time period, within which the connection request can be met, to be designated pursuant to the fifth paragraph, together with the justifications thereof, within seven business days from the application date. Said connection opinion shall include information regarding the envisaged connection date or the envisaged connection period starting from the execution date of the connection agreement, the connection voltage level, the scope of the distribution facilities and/or the connection line to be established and the obligations of the parties related thereto, and, depending on the envisaged connection line, information regarding the connection fee and line participation. The validity period of the connection opinion may not be less than sixty days.

(5)<sup>45</sup> The connection request of the applicant, who is a consumer, shall be met under the following conditions:

a) It is essential that the connection requests for places of use that are located in residential areas are met within the following periods as from the execution date of the connection agreement;

1) Two months in cases where only AG connection line is required,

2) Four months in cases where capacity increase or additional facilities are required to be made in the existing AG network and where power increase is required to be made in the existing distribution transformer facility,

3) Six months in cases where a new distribution transformer or distribution station is required to be installed,

4) Four months in cases where only OG connection line is required,

5) Six months in cases where an OG network for up to two km is required to be installed, excluding the OG connection line,

6) Eighteen months in cases where an OG network longer than two km is required to be installed, excluding the OG connection line,

b) In cases where an excavation license is required for the facilities required for connection, two months shall be added to the relevant period specified in sub-paragraph (a) and the period during which an excavation ban is applied, if any, shall be taken into account in determining the connection date.

c) In the absence of a suitable place in which the distribution transformer or distribution station required for connection can be installed, six months shall be added to the relevant period specified in sub-paragraph (a). However, in case the required space is allocated by the user, no such time addition shall be made.

ç) If the facility investment required to be made in order to meet the connection request includes two or more of the issues specified in sub-paragraph (a), the longer period among the periods designated in view of sub-paragraphs (a), (b) and (c) shall be taken as basis when meeting the connection request.

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<sup>44</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>45</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

d) In terms of the permits and processes specified in sub-paragraphs (b) and (c), in case the periods specified in sub-paragraphs (b) and (c) are exceeded due to possible delays in the procedures to be carried out within the relevant public institution, a time period equal to the time exceeded shall be added to the periods specified in sub-paragraph (a), provided that the distribution company has made an application to the relevant public institution in due time and form.

e) Connection requests for places of use that are located outside residential areas shall be met within 5 years at the latest from the connection application date of the user.

f) In case the date that the applicant intends to connect to the distribution system is later than the date designated in accordance with this Article, connection shall be established until the envisaged connection date of the applicant to the distribution system.

g) Connection requests for places of use that are located in residential areas, other than agricultural irrigation, with an installed capacity of up to 160 kW on an independent section basis, shall be met from the AG, unless the applicant prefers an independent OG connection.

ğ) In cases that fall outside the scope of sub-paragraph (g), the voltage level for connection shall be designated by the distribution company according to the current network conditions and plannings.

h) In order for connection requests to be met at the AG level in the expansion areas of existing settlements that are opened to settlement for the first time that do not have an AG distribution network, connection applications shall have been made for at least five places of use, other than agricultural irrigation, which can be fed from a distribution transformer.

ı) An affirmative opinion shall be given for connection requests for the purpose of conducting agricultural irrigation from wells or rivers, ponds and other water resources alike, which are not subject to license, if the existing AG network is suitable and no new investment is required to be made. In case the connection request can be met by the capacity increase to be made in the existing distribution network, said connection request shall be met on condition that the user incurs the cost of such capacity increase investment.

(6)<sup>46</sup> In order for connection requests to be met at the AG level in places of use that are located outside of residential areas, at least five connection applications, shall have been made for places of use, whose distance from the nearest distribution network, excluding requests related to agricultural irrigation, is up to two km based on the actual network route in a way to be fed from the distribution transformer, whereas at least ten connection applications shall have been made for those places of use whose distance alike is up to ten km. The connection line distance for places of use that fall within this scope shall be applied as two hundred meters for each place of use.

(7)<sup>47</sup> Connection may be established as a separate user with an individual measurement system from the transformers pertaining to an OG with the consent of the owner of the relevant transformer to a maximum of five places of use that are located;

a) Outside of residential areas,

b) In residential areas and in the same parcel as or in the adjacent parcel to the OG user.

In this case, said transformer shall not be deemed as a facility that become joint use and the users that are connected from said transformers shall be deemed as OG users. In case a sixth user is to be connected to a facility that falls within this scope, it shall be deemed that said facility has become joint use and Article 37 shall apply.

## Connection line

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<sup>46</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>47</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

**ARTICLE 10/B<sup>48</sup>** - (1) In case the place subject to connection request is a consumption facility, the part of the connection line to be installed to connect the relevant consumption facility to the distribution network, that is outside the boundaries of the lands owned by the user in which the place of use is located, cannot be longer than:

- a) five hundred meters for OG users located in residential areas,
- b) sixty meters for AG users located in residential areas and one hundred and twenty meters if there are multiple users,
- c) two hundred meters for AG users located outside of residential areas.

(2) No distance limit shall be applied regarding the length of connection line for consumption facilities, for which the place subject to connection request is located outside of residential areas and the connection opinion for which is given at the OG level.

(3) The connection line specified in the first and second paragraphs may be installed by the user if the user so prefers. In that case, the connection fee shall not be paid by the relevant user. If this is not preferred, the connection fee shall be paid by the user and the connection line shall be installed by the distribution company.

(4) No distance limit shall be applied regarding the length of connection line for generation facilities.

(5) If installed by the distribution company, following the payment of the connection fee regarding the connection line for generation facilities, payments required to be made for immovable property acquisition, and mandatory fees, such as forest permits, right of way and excavation fees shall be covered by the relevant user, if required. In cases where the connection line is to be installed by generators, preparation of immovable property acquisition files, payments required to be made for immovable property acquisition, and mandatory fees, such as forest permits, right of way and excavation fees, if required, shall be covered by the user, and expropriation and permit transactions shall be carried out in accordance with the procedures regarding the consumption facility.

(6) If the connection line is to be installed by the user within the scope of the first, second and fourth paragraphs, a facility installment agreement shall be executed between the distribution company and the user regarding the installment, usage rights and transfer of the connection line. After five years from the energization date of the connection line within the scope of the eighth paragraph, other connection lines shall be deemed to have been transferred to the distribution company without need for further transaction on the energization date. A provision regarding the foregoing shall be included in the facility installment agreement. The obligation to prepare the project regarding the connection line shall rest with the user, however it may also be prepared by the distribution company and given to the user.

(7) Provisional acceptance transactions regarding the connection line installed within the scope of the sixth paragraph shall be carried out within fifteen days from the notification made by the user to the distribution company that the facility is ready for acceptance, in cases where the authority rests with the distribution company, and the outcome shall be notified to the user. In case the authority to accept rests with a third party other than the distribution company, the distribution company shall apply to the authorized institution/organization for provisional acceptance within 5 days from the notification made by the user to the distribution company that the facility is ready for acceptance.

(8) OG lines longer than five hundred meters, which are located outside of residential areas and pertain to distribution facilities for whom a connection opinion is given at the OG level, as

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<sup>48</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

well as the connection lines installed for connection of the generators to the distribution network, shall maintain their connection line status for five years from the energization date and shall be included in the scope of the distribution network at the end of said period. The operation and maintenance responsibility of the connection lines shall rest with the distribution company starting from the energization of the facilities.

(9) Other individuals or legal entities may benefit from the connection lines without need for the consent of the user who has installed the connection line or has paid the connection fee or line participation fee. In case the connection requests of other individuals or legal entities are met from said line within the period until the connection line is included in the distribution network, the new user/users that are envisaged to be connected to the existing connection line shall pay to the user/users that have installed said connection line or have paid the connection fee or line participation fee for said line, the line participation fee determined according to the connection power and the distance from which connection is to be established. The procedures and principles regarding the determination and payment of the line participation fee shall be included in the tariff regulations regarding the connection fee.

(10) The facilities within a distribution facility, which are located outside of the connection line but necessary for the connection of the user, shall be installed by distribution companies. Action may be taken within the framework of Article 21 with regard to facilities that fall within this scope.

(11) In case the user intends to temporarily use the distribution system, temporary connection shall be realized on the condition that all of the facilities up to the connection point are installed by the user and the operation, maintenance, repair and renewal works rest with the user. If another user intends to connect to the distribution system temporarily through such facilities, third parties may benefit from said facilities, provided that the owner of the temporary facility provides consent. After the need for temporary connection of the user/users disappears, temporary facilities that are no longer needed shall be dismantled by the user.

(12) Expropriation is not necessary for the parts of the connection lines that are within the boundaries of the land owned by the user, where the consumption facility is located, unless another user located outside of said land is fed from said part. When the user requests the displacement of the facilities that fall within this scope, the displacement may be performed within the same ownership boundaries, provided that the costs are covered by the user. If required for the parts of connection lines other than the above, the obligation to obtain permit to use or consent regarding private property shall rest with the user, and the obligation to register or annotate the permit or consent obtained with the land registry shall rest with the distribution company. In case of failure to obtain permit or consent by the user, or, if required due to other reasons, expropriation and permit transactions shall be carried out in accordance with the procedures regarding the distribution facility.

(13) Excavation license transactions for the connection line to be installed for consumption facilities shall be carried out by the electricity distribution company. In that case, the costs to be incurred due to the fees paid to the relevant institutions and organizations regarding excavation shall be reimbursed to the user by the distribution company.

## **Connection application made to another distribution region**

### **ARTICLE 11**



(1) Connection applications for generation or consumption facilities intended to be connected to the distribution system shall be made to the distribution company within the distribution region where such facilities are located.

(2)<sup>49</sup> In case the distribution company does not deem it technically and economically appropriate to meet within the boundaries of its distribution region the connection or connection amendment requests of the generation or consumption facilities existing or those that are intended to be established in the distribution region annotated to its license, then such distribution company shall notify the applicant individual or legal entities and the Authority of this situation in writing, together with the grounds thereof, within ten business days from the application date for applications regarding distribution facilities that do not require a field study, and within twenty business days from the application date for applications regarding distribution facilities that require a field study, and in any case within forty-five days from the application date for applications regarding generation facilities.

(3) The applicant individuals or legal entities whose connection request is not deemed appropriate within the scope of the second paragraph may apply to the Authority within thirty days from the notification date to establish a connection to another distribution region, in which a connection point is located that they consider to be technically or economically suitable for connection to the system. The Authority shall notify the connection applications that fall within this scope to the relevant distribution company. The connection application shall be evaluated by said distribution company and the decision made shall be notified to the applicant individual or legal entity and the Authority within the periods specified in the second paragraph:

a) If it is approved to meet the connection application, the connection of the applicant generation or consumption facility shall be established by said distribution company.

b) If the connection application is deemed not technically or economically suitable, the relevant distribution company shall notify this situation to the relevant individuals or legal entities and the Authority within the periods specified in the second paragraph.

(4) Connection applications that fall within the scope of sub-paragraph (a) of the third paragraph shall be finalized by the relevant distribution company for consumption facilities, and finalized with the decision of the Board for generation facilities, within the framework of the provisions of this Regulation. Connections of the legal entities that have filed a pre-license application or hold a pre-license within the scope this Article shall be realized with the approval of the Board.

### **Connection and system usage agreements**

**ARTICLE 12<sup>50</sup>** - (1) The distribution company shall execute the connection agreement and system usage agreement with the relevant parties as illustrated in Annex-1 regarding the facilities that are deemed appropriate to be connected to the distribution system in accordance with the provisions of this Regulation and the Electricity Market Distribution Regulation. As for connection and system usage, standard connection and system usage agreements prepared by distribution companies in accordance with this Regulation and approved by the Board shall be used between the distribution company and the user. The general provisions of these agreements shall not be amended without the approval of the Board. The Board may amend the general provisions of these agreements when necessary.

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<sup>49</sup> Amended pursuant to the Regulation published in the Official Gazette dated 29 September 2018 and numbered 30550.

<sup>50</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

(2) As for the consumption facilities for which an affirmative connection opinion is given by the distribution company, a connection agreement shall be executed between the distribution company and the applicant as follows, if the applicant applies within the validity period of the connection opinion and fulfills the required financial obligations;

a) within the same day of the application, in case a facility agreement is not required to be signed, and in case this is not possible, on a date to be determined within five business days,

b) on a date to be determined in a way not to exceed twenty business days, in cases where a facility or financing agreement or facility agreement regarding installment of a connection line shall be signed between the parties regarding the establishment of the distribution facility.

(3) In case the connection agreement for consumption facilities is made based on construction license and the place subject to connection request is subject to construction inspection, the distribution company shall request from the user a document certifying the construction stage/stages of the building and a completion certificate, provided that the connection agreement includes special provisions to this regard.

(4) Connection agreements pertaining to independent sections in the same site, apartment, and collective buildings alike, which are envisaged to be fed from the same connection line, shall be executed simultaneously and the common transactions related thereto shall be carried out jointly. Common certificates and documents pertaining to these agreements, such as electricity project, construction license, facility agreement, shall be associated with the connection agreement pertaining to the relevant joint tenancy or any other place of use, and they shall be included in the file of such associated agreement.

(5) As for generation facilities, which are deemed appropriate to be connected to the distribution system, the applicant shall apply to the distribution company for connection and system usage agreements within the pre-license term, before applying for a generation license.

(6) The generation license holder legal entity shall submit its generation license to the distribution company within sixty days from the date of obtaining the generation license for the execution of the connection agreement. Reciprocal obligations shall be fulfilled and a connection agreement shall be signed within the following thirty days. The system usage agreement shall be signed before full or partial provisional acceptance of the facility subject to generation license.

(7) A time period no longer than five years shall be designated by the distribution company, within which connection can be established, for the distribution network and/or connection line to be installed within the scope of the sixth paragraph, which shall be included in the connection agreement. In cases where the facility completion date specified in the generation license is longer than five years, such facility completion date shall be taken as basis for the aforestated time period. If the time period provided by the distribution company is deemed to be long, then the users may install the connection lines required for connection themselves, without paying a connection fee. In case a distribution network is required for connection along with a connection line, the electricity facilities within the distribution network may be established by the users within the scope of Article 21.

(8) A connection agreement that covers a time period limited to the intended purpose shall be executed between the individual or legal entity, who intends to procure electricity by establishing a temporary connection to the distribution system and the distribution company.

(9) The system usage agreement for consumers who are deemed suitable to connect to the distribution system, shall be executed with the suppliers of such consumers.

(10) The following provisions shall apply to system usage agreement applications made by suppliers in order to provide electricity or capacity to consumers:

a) An application shall be made to the relevant distribution company to conclude an agreement until the tenth day of the month in which electricity or capacity will be sold and the first consumer in any distribution region is included in the supplier portfolio.

b) Additional information that may be requested by the distribution company during the evaluation of the applications shall be submitted to the distribution company within five business days following the date that the request is served.

c) The distribution company shall prepare the special provisions required for the system usage agreement within ten business days from the application date or within twenty days, if additional information is requested, and submit the same to the applicant legal entity.

ç) Applicant legal entities shall submit in writing their opinions regarding the requested special provisions to the distribution company within five business days from the date they are served.

d) In case of agreement of the parties, the system usage agreement shall be signed and a copy of the signed agreement shall be provided to the user.

(11) A connection agreement may be executed with legal entities who have filed a generation license application by way of obtaining a transfer approval from the Board, following receipt of said transfer approval.

(12) Notification shall be made by the relevant distribution company or distribution license holder organized industrial zone to TEİAŞ, that the connection agreement has been signed for licensed generation facilities, whose system connection to TEİAŞ transformer stations through the distribution system or through being directed is deemed appropriate, within fifteen days following the execution of said agreement.

### **Connection to the system**

**ARTICLE 13<sup>51</sup>** - (1) In case the user who has concluded a connection agreement is a consumer, following the signing of the connection agreement and within the period specified in the agreement; the facilities and equipment required for connection shall be installed by the relevant parties and the annexes of the connection agreement shall be completed and the facilities shall be rendered ready for energization. Within the same period, a document including the installation number, meter information, etc. required for the agreement/protocol to be executed with the supplier shall be issued by the distribution company and given to the user upon application, and the assigned supply company in the region shall also be notified.

(2) In case the place of use pertaining to the consumer does not exist on the connection application date or in case a construction license has been submitted instead of a construction usage permit during the connection application due to the construction being incomplete and a connection agreement has been executed based on the same, the notice within the scope of the first paragraph shall not be made and said facility shall not be supplied with energy until the construction usage permit is submitted.

(3) In order for an installation, the transactions regarding which have been completed in accordance with the first paragraph, to be supplied with energy for the first time, a retail sale agreement shall be submitted by the user to the distribution company or the distribution company shall be notified by the assigned supply company that the agreement has been signed.

(4)<sup>52</sup> Within the following periods from the date that the retail sale agreement reaches the distribution company within the scope of the third paragraph, the relevant parts of the measurement

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<sup>51</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>52</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

devices and circuits installed by the user shall be sealed by the distribution company, the first index value shall be determined by reading the meter installed by the distribution company, and energy shall be supplied by connecting the user's facility through issuance of a report on connection to the system:

- a) 24 hours in urban and suburban distribution regions,
- b) 48 hours in rural distribution regions,

(5)<sup>53</sup> As for generation license holder legal entities, the relevant parts of the measurement devices and circuits installed by the user prior to the provisional acceptance of the generation facility shall be sealed by the distribution company, the first index value shall be determined by reading the meter installed by the distribution company upon provisional acceptance, and the connection of the user's facility shall be established through issuance of a report on connection to the system.

(6)<sup>54</sup> In meeting the connection request of the place of use subject to connection request, it is essential to use geographical information systems, network connection model and similar infrastructure systems for the purpose of increasing user satisfaction, throughout all processes regarding issuance of a connection opinion by electricity distribution companies, sealing of the meter and rendering such ready for energization.

### **Contract power**

**ARTICLE 14 - (1)**<sup>55</sup> The capacity allocated to the user under the connection agreement constitutes the contract power of that user. It is essential that the maximum value measured by the meter of the electricity capacity supplied to or withdrawn from the connection point to the transmission system does not exceed the contract power.

(2)<sup>56</sup> In case it is determined by the distribution company that a user other than the users connected to the distribution system as a residence has breached the contract power by more than twenty percent in two consecutive months and if it is deemed necessary, the user shall be notified that the breach of power should not be repeated or that a power increase request should be made. The provisions of the relevant legislation on irregular electricity consumption shall be applied to consumers who do not request a power increase within 30 days from the notification date or, among those whose request is not accepted, those who breach the contract power once again by more than twenty percent within the following 6 months, and the sanctions stipulated in the connection agreement shall be applied to the generators. In case the generation facility breaches the contract power due to emergency instruction given by TEİAŞ, this paragraph shall not apply.

3) The distribution company shall warn the user who exceeds the contract power in a way that poses a risk to the security of the distribution system, to cease such breach. Generation companies shall cease the breach of contract power as of receipt of warning notice, while other users shall cease the breach of contract power within thirty days from receipt of warning notice. In case of failure to comply with said obligation, the power of the relevant user may be cut off. The costs to accrue in case of cut off and re-supply of power shall be covered by the relevant user.

(4) The distribution company may activate automatic power cut off systems so that electricity is not received and supplied above the contract power in a way to adversely affect the electricity distribution.

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<sup>53</sup> Amended pursuant to the Regulation published in the Official Gazette dated 29 September 2018 and numbered 30550.

<sup>54</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>55</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>56</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

(5) Provisions regarding compensation of losses to arise in case the distribution company fails to provide the capacity undertaken in the connection agreements executed with the users, shall be regulated in the connection agreement.

(6)<sup>57</sup> Consumers may request amendment of the connection agreement in order to increase or decrease the contract power. If the new contract power requested requires an increase in the installed capacity of the relevant consumer in the existing connection agreement, the consumer shall submit a modification project during the application. The distribution company shall review the request of the consumer and notify the user in writing or electronically, if so requested by the user, within fifteen business days, of the outcome of the review and its response to be taken as basis for the implementation. The transactions regarding the power increase requests that fall within this scope shall be carried out within the framework of the provisions of this Regulation regarding new connection requests. If it is deemed appropriate to amend the contract power, the connection agreement shall be amended in a way to include the transactions performed. Power increase may be made at most three times in one calendar year.

(7)<sup>58</sup> In case costs are incurred due to the increase in the connection power, action shall be taken within the framework of Article 26 for facilities other than the connection line.

(8) The distribution company shall inform the supplier of the relevant consumer in writing about the contract power amendments made regarding consumers within the scope of this Article, within five business days following the contract power amendment.

(9) The provisions of the relevant legislation regarding contract power amendment requests to be made in connection with amendments to the installed capacity of the generation facility, shall be reserved.

### **Boundaries of the distribution facility**

**ARTICLE 15** - (1) The ownership boundaries of the facility and equipment between the distribution company and the user shall be as follows:

a) In generation facilities that are connected to the distribution system, excluding the loose connection between the terminal pole following the switchyard of a generation and the switchyard of a generation facility, the underground cable facility that contacts the power distribution lines and the switchyard of the generation facility shall be the distribution facility.

b) As for consumers connected to the distribution system, the facility and equipment from the connection point to the place of use shall be under the ownership of the consumer. The rest of the line from the connection point, including the connection point, shall be the distribution facility. The measurement facility and meters shall be located at the entrance of the secondary main busbar of transformers with consumption transformers below 630 kVA for consumers with transformers, and at the entrance of the step-down transformer in the consumer facilities for consumers with transformer power of 630 kVA and above, and at the entrance part of the switching tool (coffers and alike) where consumption starts for low voltage consumers.

(2) Where the connection of a generation or consumption facility to the distribution system is made through the switchyard of another generation or consumption facility, or where it is made in the form of a feed in-feed out to a distribution line, the switchyard jointly used or subjected to feed in-feed out or the switchyard of a generation or consumption facility connected to two separate distribution facilities through two separate lines shall become part of the distribution

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<sup>57</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>58</sup> Amended pursuant to the Regulation published in the Official Gazette dated 29 September 2018 and numbered 30550.

system. However, the operation and maintenance of the distribution facilities under this paragraph may be procured to be made by the owners of the relevant generation or consumption facilities.

(3)<sup>59</sup>

### **Leaving the distribution system**

**ARTICLE 16** - (1) As long as the facility and equipment connected to the distribution system in the address specified in the connection agreement exist, the connection agreement shall remain in effect and a new connection agreement shall not be required in case of user change in said facility. The user's right to separate its facilities and equipment connected to the distribution system from the system and to terminate the use of the distribution system shall be reserved.

(2) When the user intends to separate the facilities and equipment connected to the distribution system from the system, said user shall make a written notification to the distribution company at least four months in advance, and at least two months in advance when user intends to terminate the use of the distribution system. This provision shall not apply to system usage agreements signed for this purpose with suppliers who have signed a system usage agreement on behalf of consumers to whom they supply electricity or capacity.

(3) The distribution company and the user shall remove their assets from each other's land within four months following physical disconnection from the system, unless the parties agree on a different period.

## **CHAPTER FIVE**

### **Interconnection Usage and Installation of Private Direct Line**

#### **Interconnection usage agreement**

**ARTICLE 17** - (1) Generation companies and supplier companies intending to export electricity or capacity as well as supplier companies intending to import electricity or capacity via interconnection lines shall apply to TEİAŞ or the relevant distribution company, which operates the interconnection lines in accordance with the procedures and principles specified in the Electricity Market Import and Export Regulation.

(2) TEİAŞ and the relevant distribution company shall evaluate the application of the applicant pursuant to the procedures and principles specified in the Electricity Market Import and Export Regulation and execute an interconnection usage agreement as shown in Annex-1, with the applicant meeting the requirements.

#### **Installation of private direct line**

**ARTICLE 18** - (1) The legal entity engaged in generation activity may request to install a private direct line between the generation facility within the scope of its license and its customers, affiliates or eligible consumers.

(2) Installation of a private direct line shall be possible with a system control agreement to be executed between the legal entity engaged in generation activity and TEİAŞ or the distribution company. The system control agreement shall be executed with the legal entity with whom the legal entity engaged in generation activity has executed the connection and system usage agreements.

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<sup>59</sup> Repealed pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

(3) Private direct line as per the system control agreement executed with the distribution company may only be installed on the site owned by the consumer who will benefit from the generation facility and the private direct line. This requirement shall not be apply for the installation of private direct line within the scope of the system control agreement executed with TEİAŞ.

(4) Private direct line shall be installed outside of the national transmission and distribution network as well as in accordance with the standards applicable to these networks. All types of facilities, equipment and immovable property required for the installation and operation of the private direct line shall be acquired by the applicant.

(5) In case of a private direct line installation, the required capacity in case the consumer leaves the busbar of the generation facility shall be kept at disposal by TEİAŞ or the distribution company, which is the party to the system control agreement.

(6) Installation of a private direct line shall not prevent eligible consumers from choosing their suppliers. In the event that an eligible consumer connected with a private direct line wishes to change their supplier, the consumption facility shall be connected to the transmission or distribution system and be disconnected from the private direct line in accordance with the provisions of this Regulation.

(7) The facility and equipment established to meet the needs of the consumption facility that the legal entity engaged in generation activity owns, leased, acquired through financial leasing or acquired the operating rights of shall not be considered to be private direct lines, provided that the electricity generated in the generation facility is not fed into the transmission or distribution system. As for the facility and equipment that fall within this scope, system control agreement shall not be executed and the capacity shall not be kept at disposal.

### **System control agreement**

**ARTICLE 19** - (1) The request of the legal entity engaged in generation activity to install a private direct line shall be evaluated by TEİAŞ or the distribution company within thirty days from the receipt date of the request. If the evaluation of the request for private direct line installation results affirmatively, a system control agreement shall be executed between the legal entity engaged in generation activity and TEİAŞ or the distribution company.

(2) The system control agreement executed between the legal entity engaged in generation activity and TEİAŞ or the distribution company shall include provisions that ensure the stability and operational integrity of the transmission and distribution systems. If these provisions in the connection and system usage agreements executed between the legal entity engaged in generation activity and TEİAŞ or the distribution company are deemed sufficient to ensure the stability and operational integrity of the transmission and distribution systems by TEİAŞ or the distribution company, provisions regarding the system control agreement may be executed as an annex to the connection agreement.

(3) Legal entity engaged in generation activity shall pay a fee to TEİAŞ or distribution company within the framework of the following principles, for the capacity kept at disposal by TEİAŞ or distribution company which would be necessary if the consumer leaves the busbar of the generation facility in case of a private direct line installation:

a) The prices, procedures and principles regarding the calculation of the fee to be paid to the distribution company for the capacity kept at disposal shall be designated by the distribution company and submitted to the Authority together with the tariff proposals for each tariff period and shall become effective with the approval of the Board. The procedures and principles regarding

the payment of the fee for the capacity kept at disposal shall be regulated in the system control agreement and/or connection agreement within the framework of this Regulation.

b) The contract power in the system usage agreement executed or to be executed with TEİAŞ by the legal entity engaged in generation activity shall be determined by taking into account the amount of the capacity kept at disposal, and system usage and system operation fees of the transmission system, which shall be calculated monthly for the legal entity engaged in generation activity, shall also include the fee for the capacity kept at disposal.

## **CHAPTER SIX**

### **User-Installed Transmission and Distribution Assets**

#### **Transmission assets**

**ARTICLE 20 - (1)** In cases where it is necessary to establish a new transmission facility to connect the generation and consumption facilities to the transmission system and to establish new transmission lines to connect this facility to the system; if TEİAŞ does not have sufficient financing or could not plan the investment on time for the establishment of these facilities, the said investments may be made or financed jointly by the legal entity or entities requesting connection to this facility. TEİAŞ has the ownership and operating responsibility of the facilities and lines established within this scope.

(2) Investments to be made jointly for the transmission facilities shall be covered by the relevant legal entities by sharing in proportion to their contract powers specified in the connection and system usage agreements of these entities. Procedures and principles regarding the same shall be designated by TEİAŞ.

(3) The investment amount subject to repayment for the transmission facility to be built jointly or individually shall be calculated pursuant to the methodology prepared by TEİAŞ and approved by the Board.

(4)<sup>60</sup> The investment amount subject to repayment determined by TEİAŞ within the framework of the methodology shall be fixed in Turkish Lira and evaluated as the prepaid system usage fee. The user shall not pay system usage fee (excluding value added tax) until the investment amount subject to repayment is completed. The system usage tariff in effect on the date of issuance of the monthly transmission invoice shall be used in the calculation of the system usage fee to be offset against the repayment amount. However, the entire value added tax amount and other items on the invoice shall be paid by the user on time. The invoice amount, excluding the value added tax, shall be recorded as receivable by TEİAŞ on behalf of the user as the prepaid system usage fee.

(5)<sup>61</sup> The value added tax of the invoice issued by the user on behalf of TEİAŞ based on the investment amount calculated by TEİAŞ pursuant to the methodology, shall be paid to the user in advance by TEİAŞ within 30 (thirty) days.

(6)<sup>62</sup> If the repayment of the total expenditure amounts related to the investment within the scope of this Article cannot be completed within five years from the beginning of the repayment, the balance amount shall be paid at once to the relevant user at the end of the fifth year.

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<sup>60</sup> Amended pursuant to the Regulation published in the Official Gazette dated 30 July 2016 and numbered 29786.

<sup>61</sup> Amended pursuant to the Regulation published in the Official Gazette dated 30 July 2016 and numbered 29786.

<sup>62</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.



(7)<sup>63</sup> In case there is a necessity to make expansion investment or new investment in order for the generation and consumption facilities to be connected to the transmission system due to inadequate capacity in terms of system usage, the method of offsetting the system usage fee within the scope of transmission tariff shall be applied as per the fourth paragraph for repayments made in equal monthly installments, and within maximum of five years beginning from the month following the month in which the provisional acceptance report of the investment amount regarding the transmission assets installed by legal entities intending to establish connections on behalf of TEİAŞ due to lack of sufficient financing or timely investment planning, which is subject to repayment and calculated pursuant to the methodology, is approved by TEİAŞ.

(8)<sup>64</sup> Pursuant to the provisions of the preliminary agreement executed between TEİAŞ and legal entities for transmission assets jointly financed by legal entities intending to establish connection to the transmission system and installed by TEİAŞ, the total expenditure amount for the realized investment of transmission assets made by TEİAŞ shall be repaid in equal monthly installments within five years beginning from the month following the month in which the provisional acceptance report regarding the transmission facilities and lines established has been approved by TEİAŞ until the system usage fee is accrued. The legal interest rate determined in accordance with the provisions of the Law on Legal Interest and Default Interest dated 04/12/1984 and numbered 3095 shall be applied as from the maturity date to the amount related to the monthly installments which are not repaid at maturity. From the beginning of the accrual of the system usage fee, the method of offsetting the system usage fee within the scope of transmission tariff shall be applied within the framework of the fourth paragraph for the remaining amount.

(9)<sup>65</sup> In case the licenses of licensed users expire or are cancelled before the end of ten years from the date of the last provisional acceptance approval date of transmission assets installed on behalf of TEİAŞ, eligible consumers wish to leave the transmission system, if the investments made or financed by the user leaving the transmission system within the scope of this Article are transmission facilities made exclusively for the connections of their own facilities and the said facilities are not needed by TEİAŞ in the transmission network; the repayment for these investments shall not be initiated, and if the repayment has been initiated and is ongoing, the repayment shall be stopped.

(10)<sup>66</sup> In cases where the transmission assets required exclusively for the connection of the user's own facilities to the transmission system have been established within the scope of the investment program of TEİAŞ, collateral received from the user under the connection agreement shall be kept by TEİAŞ until the date that the investment amount through system usage fee is fully paid from the last provisional acceptance approval date of the transmission assets. User may request its collateral to be partially refunded at most twice a year. In that case, the collateral before TEİAŞ shall be updated by deducting from the collateral amount the system usage fee paid by the user until the application date for refund regarding the relevant investment.

(11)<sup>67</sup> In the event that licensed users' licenses expire or are canceled before five years, eligible consumers leave the transmission system before five years and the transmission assets established within the investment program of TEİAŞ for connection of same to the system are not needed by TEİAŞ in the transmission network; the amount to be found by deducting the total

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<sup>63</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>64</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>65</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>66</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>67</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

system usage fee paid by the user until the date of leaving from the collateral collected within the scope of the connection agreement, shall be forfeited by TEİAŞ.

### **Distribution assets**

**ARTICLE 21 - (1)**<sup>68</sup> In cases where an expansion investment or new investment is required for connection of the generation and consumption facilities to the distribution system or to meet the power increase requests of the generation and consumption facilities connected to the distribution system due to insufficient capacity in terms of system usage, said investment may be made or financed, in case of lack of adequate financing, on behalf of the relevant distribution company by the individuals or legal entities who wish to make a connection or request a power increase by meeting the technical standards within the scope of the relevant legislation.

(2)<sup>69</sup> If the applicant prefers to undertake the installation of the necessary distribution network, a facility installment agreement shall be executed between the distribution company and the applicant, in which matters such as financing and connection conditions regarding the relevant distribution facility are regulated. In this case, it shall be the applicant's responsibility to prepare the project of the said distribution facility and all information required for the study regarding the preparation of the project shall be provided by the distribution company. In the financing method, an agreement shall be executed between the distribution company and the applicant, which includes the conditions for financing the cost of the distribution assets to be installed. In this method, the project preparation responsibility shall rest with the distribution company.

(3)<sup>70</sup> In this case, the cost of the realized investment shall be paid on behalf of the right owner or owners by the distribution company to the individual or legal entity who made the investment or financed it or, in case the addressee cannot be reached, to the nearest bank or PTT branch where the facility is located, in a maximum of twelve-month equal installments within the year when the connection request specified in the connection opinion can be met. In case the provisional acceptance of the distribution facility is granted after the date that the distribution company envisages that it can meet the connection, the payment shall be made within the year following the date of the provisional acceptance. If the decision on public interest, decision on the establishment or transfer of easement or forest final and/or preliminary permit regarding the places where the said distribution facility is located are obtained, the payment shall be made on the date these decisions and/or relevant official permits are obtained. If the foregoing are not obtained until the year that the repayment will be made, the payment shall be made within the year following the year in which these decisions and/or relevant official permits are obtained. The distribution company shall add the relevant distribution facility to the asset records on the date of payment.

(4) The methodology proposed by the distribution companies and approved by the Board shall be used for the work and transactions related to the investment to be made, which are to be carried out from the start of the work until final acceptance thereof, as well as the advances that can be received, the calculation and payment of the investment value and the collaterals to be obtained.

(5)<sup>71</sup> Beginning from the month following the month in which the provisional acceptance of the distribution facility has been granted in accordance with the provisions of this Article, the amount that has not been repaid until the first installment date that the repayment is to be made

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<sup>68</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>69</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>70</sup> Amended pursuant to the Regulation published in the Official Gazette dated 29 September 2018 and numbered 30550.

<sup>71</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

shall be updated according to the Consumer Price Index rate. The legal interest rate determined in accordance with the provisions of the Law on Legal Interest and Default Interest numbered 3095 shall be applied beginning from the maturity date to the amount related to the installments that are not repaid at maturity date.

(6)<sup>72</sup> The tables in Annex-2 and Annex-3 regarding distribution assets established or financed by users within the scope of this Article shall be prepared by distribution companies each year and submitted to the Authority until May 31 of the following year.

## **CHAPTER SEVEN**

### **Common Provisions**

#### **Payment obligation**

**ARTICLE 22** - (1) The user shall pay the fees calculated pursuant to the tariffs approved by the Authority for transmission, distribution, import or export activities, and other fees stipulated in the Electricity Market Import and Export Regulation for import and export activities to TEİAŞ and the distribution company. The connection fee collected from the users connected to the distribution system pursuant to the approved tariffs shall be collected only once during the execution of the first connection agreement and shall not be refunded.

(2) If TEİAŞ and the distribution company charge an estimated price to the user, they shall make the necessary corrections on the finalized price.

(3) The operation and maintenance costs of the connection assets shall be covered by the relevant parties within the connection limits.

(4) Matters on the collection of debts not paid on time shall be regulated within the scope of the connection agreement, system usage agreement and interconnection usage agreement.

#### **Obligation to provide data**

**ARTICLE 23** - (1) The user shall provide the data requested by TEİAŞ and the distribution company in order to calculate the connection, system usage and system operating fees to be submitted to the Authority for approval as well as other fees collected within the scope of the relevant legislation.

(2) TEİAŞ and the distribution company shall use the data they receive in this context and any other type of data they receive while performing their duties in accordance with their intended purposes.

#### **Collaterals**

**ARTICLE 24** - (1)<sup>73</sup> The following collaterals shall be obtained from users within the scope of connection to transmission and distribution systems, system usage and interconnection usage:

a) Within the scope of connection agreements; in case the connection to the system or connection amendment requires additional investment, the collaterals obtained to ensure that the relevant users fulfill their financial obligations in the event that said investments are made by TEİAŞ or the relevant distribution company.

b) Within the scope of system usage and interconnection usage agreements; collaterals specified in the system usage agreement and interconnection usage agreement in order to secure the payment obligations defined in Article 22.

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<sup>72</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>73</sup> Amended pursuant to the Regulation published in the Official Gazette dated 29 September 2018 and numbered 30550.

(2) The documents regarding the collaterals shall be submitted by the user to TEİAŞ or the distribution company together with other documents during the execution of the connection, system usage and interconnection usage agreements.

(3)<sup>74</sup> TEİAŞ shall terminate the system usage agreement executed with the user in the event that the collaterals specified in the system usage agreements of the generators and consumers who use the transmission system are not completed or renewed within the periods specified in the system usage agreement, upon the notification to be made by TEİAŞ:

a) within one month from publication of the transmission tariff approved by the Board in the Official Gazette, in case of inadequacy of the collateral due to tariff change,

b) within seven business days from the offsetting date in case of inadequacy of the collateral due to offsetting of same against unpaid debt,

Collateral shall be re-calculated in case of contract power amendment and, in cases where an additional letter of guarantee is required, the agreement shall not be approved until the letter of guarantee is submitted to TEİAŞ.

(4)<sup>75</sup> Matters as to collection of collateral by distribution companies within the scope of usage of the distribution system shall be regulated in the procedures and principles to be issued by the Authority.

### **Payment procedure**

**ARTICLE 25** - (1)<sup>76</sup> TEİAŞ or distribution company shall submit the detailed payment notice, which includes all taxes and obligations, to the user within the following month.

(2)<sup>77</sup> The user shall pay the amount stated in the payment notice to TEİAŞ or the distribution company within fifteen days following the service of the payment notice. Late payment fee calculated according to Article 51 of the Law on the Procedure for the Collection of Public Receivables dated 21/07/1953 and numbered 6183 shall be imposed for the default period.

(3) Except for material errors, an objection to the content of the payment notice shall not stop the payment. An objection can be filed within fifteen days from the date of service of the payment notice against the amount overpaid due to the fault of TEİAŞ or the distribution company. If the objection is partially or fully approved, the overpaid amount shall be refunded to the user along with the late payment fee calculated as of the payment date according to Article 51 of the Law on the Procedure for the Collection of Public Receivables No. 6183.

### **Modification**

**ARTICLE 26** - (1) In the event that any change or renewal in the technical and physical conditions peculiar to the site specified in the connection agreement during operation affects both parties of the agreement, such change or renewal transaction shall be considered as a modification.

(2) TEİAŞ or the distribution company or the user shall make a modification request to the other party of the connection agreement when modification is necessary.

(3) In case the modification request is made by TEİAŞ or the distribution company:

a) TEİAŞ or the distribution company shall submit the modification proposal, which includes the details of the proposed modification as well as the envisaged date and duration for the completion of the modification, to the relevant users simultaneously.

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<sup>74</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>75</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>76</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>77</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

b) The user shall submit its opinions on the modification proposal to TEİAŞ or distribution company within fifteen days from the service of the modification proposal.

c) TEİAŞ or the distribution company shall designate the scope of the modification within thirty days, in view of the opinions of the user, and notify same to the relevant user. The provisions of Article 35 of this Regulation shall be applied in disputes between TEİAŞ or distribution company and the user regarding the scope of the modification.

(4) In case the modification request is made by the user connected to the transmission or distribution system:

a) The user shall submit the modification proposal to TEİAŞ or distribution company, which includes the details of the proposed modification as well as the envisaged date and period for completion of the modification.

b) TEİAŞ or distribution company shall resolve on the modification proposal within sixty days from the service of the modification proposal, by taking the opinions of other users who are likely to be affected by the modification request and notify the user about the decision. The provisions of Article 35 of this Regulation shall be applied in disputes between TEİAŞ or distribution company and the user regarding the scope of the modification.

(5) In case the modification request is made by the user, in modifications that require a capacity increase investment in the transmission or distribution system, the costs of the part up to the connection point shall be covered by TEİAŞ or the distribution company, and the costs of the part from the connection point to the place of use shall be covered by the user. In other cases, the costs shall be covered by the user.

(6)<sup>78</sup> In case the modification request is made by the distribution company, all costs, including the facilities under the user's responsibility, shall be covered by the distribution company.

(7)<sup>79</sup> In case the modification request is made by TEİAŞ, it is essential that the works and transactions, including the facilities under the user's responsibility, are completed simultaneously by TEİAŞ and the user within the limits of ownership, duty, authority and responsibility. Modification costs shall be covered by TEİAŞ and the user, taking into account the limits of ownership, duty, authority and responsibility. However, TEİAŞ shall carry out or have carried out the works arising from the renewal of the existing transformer station in the site owned by TEİAŞ (extension, displacement etc.).

(8)<sup>80</sup> In case an existing transformer station is moved from one location to another or a new transformer station is established, the works as extension and displacement, etc. to be done in the distribution network and the new distribution network shall be made by distribution company.

(9)<sup>81 82</sup> The modification within the scope of feeder transformations deemed necessary by TEİAŞ and/or the distribution company due to the connection of a generation facility to the transmission or distribution system shall be performed by the relevant network operator responsible from the facility in which the transformations are to be made. If requested by the relevant network operator, the said transformation operations may be undertaken by the generation license holder legal entity within the scope of Articles 20 and 21.

### **User's connection or power cut off**

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<sup>78</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>79</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>80</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>81</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>82</sup> Amended pursuant to the Regulation published in the Official Gazette dated 29 September 2018 and numbered 30550.

**ARTICLE 27 - (1)**<sup>83</sup> TEİAŞ and the distribution company may cut off the connection of the user's facility and equipment or the power of the user if any of the following conditions occur:

a) Circumstances that require power cut off in accordance with the provisions of the legislation regarding connection, system usage and interconnection usage agreements.

b) Circumstances that require the testing and control, modification, maintenance, repair or expansion of any part of the transmission or distribution system or interconnection line by TEİAŞ or the distribution company.

c) Circumstances in connection with one of the force majeure events.

ç) Circumstances where it is required to ensure safety of life and property.

d) Accident, system failure or emergencies that affect or have the potential to affect the transmission or distribution system or any other system from which energy is withdrawn or to which energy is supplied.

e) In cases where generation companies and consumers connected to the transmission system and generation companies connected to the distribution system fail to fulfill their payment obligations regarding system usage and/or system operation fees.

f) In accordance with the provisions of the Electricity Market Balancing and Settlement Regulation published in the Official Gazette dated 14/04/2009 and numbered 27200, conditions that require power cut off pursuant to the notification made by EPIAŞ.

g) The user's connection and/or system usage agreement being terminated for any reason.

ğ)<sup>84</sup> Cases where energy is required to be cut off following the second notification made by the assigned supply company of the consumers connected to the transmission system, who fail to fulfill the payment obligation regarding consumption of electricity towards the assigned supply company within the scope of supply of last resort.

(2)<sup>85</sup> For cuts offs to be made within the scope of sub-paragraph (a) of the first paragraph, TEİAŞ and distribution company shall notify the user at least five business days in advance; for cut offs to be made within the scope of sub-paragraph (b) of the first paragraph, TEİAŞ shall notify the user at least five business days in advance and the distribution company shall notify the legal entity engaged in generation activity which depends on the distribution system at least five business days in advance and shall notify the consumers connected to the distribution system at low and medium voltage levels at least two days in advance; for cut offs to be made within the scope of sub-paragraphs (e) and (g) of the first paragraph, TEİAŞ and distribution company shall notify the users at least seven days in advance, and for cut offs to be made within the scope of sub-paragraph (f) of the first paragraph, TEİAŞ and distribution company shall notify at least two days in advance. As for cut offs to be made within the scope of sub-paragraph (ğ) of the first paragraph, cut off shall be made by way of issuance of a cut off notice by TEİAŞ within five business days following the notification made by the assigned supply company to TEİAŞ. If there is a need for a power cut off within the scope of other sub-paragraphs, the user shall be informed before the cut off, if possible.

(3) After the condition causing the power cut is eliminated, the facility and equipment belonging to the user shall be re-energized as soon as possible.

(4) If the user requests in writing a power cut off at a connection point, said request shall be fulfilled by TEİAŞ or the distribution company, according to the agreement reached with the user.

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<sup>83</sup> Amended pursuant to the Regulation published in the Official Gazette dated 29 September 2018 and numbered 30550.

<sup>84</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>85</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

(5) Expenses of TEİAŞ and distribution company related to power cut off and re-supply operations based on the written request of the user or reasons arising from the user shall be covered by the user.

### **Right to access and intervention**

**ARTICLE 28** - (1) Including the incorporeal rights of property, the user shall grant the necessary permission to TEİAŞ and the distribution company in order to establish, operate, maintain, control, test, dismantle the connection, transmission and distribution system assets and to access the meters without time limitation.

(2) The user may register the abovementioned rights with the land registry in favor of TEİAŞ or the distribution company, at its own expense. If there is no provision in the connection agreement, no fee shall be charged for lease.

(3) A party to a connection agreement, its representatives, employees and other persons they invite may not in any way interfere with the facility and equipment of the other party of the connection agreement without the consent of the related party, except in the following cases:

a) Emergency interventions to ensure the safety of life and property,

b) Interventions by TEİAŞ and distribution company in order to operate the transmission and distribution system in accordance with the relevant legislation.

(4) In accordance with the relevant legislation, necessary permission shall be granted for access to the facilities provided that it is deemed appropriate by TEİAŞ for the energy analyzer and compensation facilities to be installed by the distribution company in the transformer stations of TEİAŞ.

(5) In case of an on-off request by the distribution company exclusively for the case of failure in the distribution feeders located in the transformer stations of TEİAŞ, this request may be met by any method such as in writing, electronic signature, fax, in a way that does not interfere with network security.

### **Transfer, assignment and pledge**

**ARTICLE 29** - (1) Matters regarding the transfer, assignment and pledge of the rights or obligations of the users under the connection, system usage and interconnection usage agreements shall be regulated in the relevant agreements.

### **Procurement of services**

**ARTICLE 30** - (1) Without obtaining each other's prior written consent, TEİAŞ and the distribution company as well as the user may outsource their obligations under the connection and system usage agreements to which they are a party, by procurement of services in accordance with the provisions of the relevant legislation. Procurement of services shall not mean the transfer of connection and system usage agreements and the obligations under this Regulation. The user who procures the services shall notify this situation in writing to TEİAŞ or distribution company at least three business days before the procurement commences.

### **Confidentiality**

**ARTICLE 31** - (1) The parties to the connection, system usage and interconnection usage agreements shall take the necessary measures to keep the information, which is received as a result of the implementation of this Regulation or through market activities or in any other way and may damage the commercial relations if disclosed, confidential as well as not to disclose this

information to third parties, including legal entities that are their own affiliates or shareholders, and not to use it for the matters other than the ones stipulated by the relevant legislation.

### **Misstatement**

**ARTICLE 32** - (1) If it is determined that there is a misstatement regarding the ownership of the facility to be connected, TEİAŞ or the distribution company shall request from the requester to submit the documents proving the statement on the date of the connection agreement within three business days. The actions to be taken against those who are found to have made misstatements shall be applied to requesters who fail to submit a document proving the statement on the date of the connection agreement.

(2) The connection agreement and the system usage agreement, if any, of the requester who is found to have made misstatements shall be canceled.

(3) The loss incurred by TEİAŞ or the distribution company as a result of the requester's misstatement regarding the ownership status in the connection agreement shall be compensated by the requester.

(4) The provisions of this Article shall also be applied, to the extent it is expedient to their nature, to those who executed an interconnection usage agreement with TEİAŞ or the relevant distribution company by misstatement.

### **Force majeure**

**ARTICLE 33** - (1)<sup>86</sup> Users that are a party to connection, system usage and interconnection usage agreements shall apply to the relevant network operator if they fail to fulfill any obligations under the agreements and this Regulation as a result of force majeure events specified in Article 35 of the Electricity Market Licensing Regulation. Provided that such application is approved, the affected obligations shall be postponed or suspended for the period the force majeure event or its effects continue and prevent the fulfillment of the obligation.

(2) The user who failed to fulfill its obligations due to force majeure shall submit to TEİAŞ or the distribution company the force majeure notification report explaining the conditions leading to the force majeure, the occurrence of the event and its estimated duration, and the regular reports containing the measures taken to eliminate the failure to fulfill its obligations during the force majeure as well as the up-to-date information.

### **Waiver**

**ARTICLE 34** - (1) Unless the users waive their rights in written form, the delay in exercising the rights under this Regulation as well as the connection, system usage and interconnection usage agreements, shall not damage these rights in any way and shall not mean that these rights are waived. Partial use of a right shall not prevent the future use of such right or any other rights.

### **Dispute resolution**

**ARTICLE 35** - (1) In case TEİAŞ, distribution company and license holder users cannot agree on the provisions of the connection, system usage and interconnection usage agreements or on the amendments to be made to the provisions of the agreements, they may primarily apply to the Authority to resolve the arising disputes. The said application shall be concluded by the Board as per the relevant legislation, within sixty days from the date of application.

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<sup>86</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.



(2) Within the scope of the first paragraph, disputes arising from the implementation of connection, system usage and interconnection usage agreements shall be resolved by competent and authorized courts.

### **Notifications**

**ARTICLE 36** - (1) The notifications to be made by the Authority pursuant to this Regulation shall be made in accordance with the provisions of the Notification Law dated 11/02/1959 and numbered 7201.

## **CHAPTER EIGHT Other Provisions**

### **Takeover of user-owned electricity facilities by the distribution company**

**ARTICLE 37**<sup>87</sup> - (1) Among the user-owned electricity facilities, those meeting the following conditions shall be taken over by the distribution company within the framework of the procedures and principles determined by the Board:

a) If requested by the relevant institution or organization; lines and facilities within the scope of distribution facility supplying energy to institutions and organizations concerning national security,

b) Distribution facilities that are to be subject to joint tenancy within the scope of a new connection as well as the facilities to be included in the distribution facility due to a new connection,

c) Distribution facilities that require an improvement and/or capacity increase investment using the existing facility,

ç) Other distribution facilities deemed appropriate to be taken over by the distribution company to be utilized for another purpose within the distribution network.

(2) Expropriation shall be applied in case there is no consent to transfer, except for subparagraph (a) of the first paragraph.

(3) The operation, maintenance and repair of the distribution facilities installed by the user shall be carried out by the distribution company.

(4) With the initiation of the transfer transactions of the facilities to be taken over under this Article, the distribution company may invest in these facilities and the connection requests of other users may be met from these facilities.

### **Transfer of the lines connecting the generation facilities to the distribution company**

**ARTICLE 38** – (1)<sup>88</sup>

### **References**

**ARTICLE 39** - (1) References to the Communiqué on Connection to Transmission and Distribution Systems and System Usage in the Electricity Market published in the Official Gazette dated 27/03/2003 and numbered 25061 shall be deemed to be made to this Regulation.

## **CHAPTER NINE Provisional Articles and Final Provisions**

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<sup>87</sup> Amended pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>88</sup> Repealed pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

### **Facilities owned by institutions and organizations concerning national security**

**ADDITIONAL ARTICLE 1<sup>89</sup>**- (1) The operation, maintenance and repair of the part of the lines and facilities connected from the medium voltage level, which are owned by the institutions and organizations concerning national security and which supply electricity to the facilities of these institutions and organizations, from the boundary of the distribution facility to the entrance of the distribution transformer low voltage panel, shall be made by the assigned distribution company in the region, if requested by the relevant institutions and organizations.

(2) A type protocol regulating the matters such as the authorization and method of access to the facilities, the nature of the services to be provided, the maintenance period, the failure response times, the determination of the service fee, the payment method, etc., regarding the operation, maintenance and repair activities within the scope of the first paragraph, shall be prepared by the Ministry of National Defense and electricity distribution companies and submitted to the Authority for approval. The Standard Operation Service Protocol shall be approved by the board including the necessary change and/or additions. Following the execution of the protocol between the parties, electricity distribution companies shall begin to perform the said operation, maintenance and repair services.

(3) In case a new investment is required in the facilities within the scope of this Article, the said investment shall be made by the relevant institutions and organizations.

### **Methodology for user-installed transmission and distribution assets**

**PROVISIONAL ARTICLE 1** - (1) The methodology for the repayment of the user-installed transmission assets to be prepared by TEİAŞ in accordance with the third paragraph of Article 20 shall be submitted to the Authority within two months from the publication date of this Regulation.

(2) The methodology for the repayment of the user-installed distribution assets to be proposed by distribution companies in accordance with the fourth paragraph of Article 21 shall be submitted to the Authority within two months from the publication date of this Regulation.

(3)<sup>90</sup> No retrospective repayment request may be made by the relevant user regarding the transmission and distribution assets installed by the user in the period before the publication date of this Regulation and transferred to TEİAŞ or distribution company with an agreement/protocol free of charge or in return for operation and maintenance, and feeder transformation works installed by the users for the connection of generation facilities to the transmission or distribution system.

### **Repayment of distribution assets by offsetting**

**PROVISIONAL ARTICLE 2<sup>91</sup>**- (1)<sup>92</sup> In the period before the publication date of this Regulation, the repayment made for investments which are covered by way of offsetting from the distribution tariff the total amount of expenditure regarding the realized investment, made or financed for generation and consumption facilities to be connected to the distribution system by the individual or legal entity wishing to establish connection on behalf of distribution company due to insufficient capacity in terms of system usage and due to necessity of expansion investment

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<sup>89</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>90</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>91</sup> Amended pursuant to the Regulation published in the Official Gazette dated 30 July 2016 and numbered 29786.

<sup>92</sup> Amended pursuant to the Regulation published in the Official Gazette dated 30 July 2016 and numbered 29786.

or new investment and the absence of sufficient financing, shall be continued using the same method until the total expenditure amount for the realized investment is covered.

(2)<sup>93</sup> In the ongoing offsetting process between distribution companies and users within the scope of the first paragraph, in cases where offsetting is made by fixing the unit price related to system usage and the facility establishment cost, which serves as the basis for offsetting; the balance amount not offset until 01/01/2016 shall be updated by bringing the fixed establishment cost from the date it belongs, to 01/01/2016, using the Consumer Price Index rate. As of 01/01/2016, the system usage fees calculated on the basis of current unit prices shall be deducted from this updated amount and the offsetting shall be continued until 01/01/2017. The balance amount that has not been offset until 01/01/2017 shall be updated by bringing it to this date, from 01/01/2016, using the Consumer Price Index rate, and shall be re-fixed. The relevant unit price for system usage valid as of 01/01/2017 shall be taken as the system usage fee which serves as the basis for offsetting and shall be fixed. As of 01/01/2017, the offsetting process shall be continued on the basis of the updated as final and fixed balance amount and system usage fee.

(3) If the repayment of the total expenditure amounts for the realized investment within the scope of this Article cannot be completed within ten years from the date of publication of this Regulation, the balance amount shall be paid at once to the relevant individuals or legal entities at the end of the tenth year.

#### **Revision of transmission system connection and system usage agreements**

**PROVISIONAL ARTICLE 3<sup>94</sup>** - (1) TEİAŞ shall make a call to the consumers whose contract powers specified in the system usage agreements are less than the power value specified in the connection agreement to increase the system usage agreement power to the power specified in the connection agreement, within 3 months from the date of publication of this Article. Revised agreements shall be executed within 3 months from the date of call. Consumption facilities belonging to consumers who fail to apply within 3 months to sign the revised system usage agreements despite the call of TEİAŞ shall be disconnected from the transmission system by TEİAŞ by making a notification before five business days following the end of this period.

(2) Repayment of the outstanding amount of transmission facility investments, made by consumers who wish to leave the transmission system within the scope of Article 20 of the Regulation and whose repayment is ongoing, shall be made by TEİAŞ at once within 6 months from the publication of this Article.

#### **Revision of the contract power**

**PROVISIONAL ARTICLE 4<sup>95</sup>** - (1) Consumers who make agreement revisions within the scope of Provisional Article 3 shall be given the opportunity to revise their power in connection and system usage agreements to 50 MW, if they so request, in case the revised contract power is above 50 MW. TEİAŞ shall inform the consumers who have made an agreement revision within the scope of Provisional Article 3 regarding the opportunity to revise the system usage agreement power to 50 MW within 2 months from the date of publication of this Article. New revised agreements shall be executed within one month from provision of information on revision of contract power or shall be executed within 1 month from the date of application with consumers that fall within the scope of Provisional Article 3, who automatically apply to TEİAŞ within 3

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<sup>93</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>94</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 30 July 2016 and numbered 29786.

<sup>95</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

months from the effective date of this Article. For consumers who sign the revised agreement, the first executed agreement power within the scope of the eighth paragraph of Article 7 shall be applied as 50 MW.

(2) Consumers who are disconnected from the transmission system within the scope of Provisional Article 3 and wish to reconnect to the transmission system shall be allowed to connect to the transmission system, provided that they sign a connection and system usage agreement with a minimum of 50 MW power.

**Lines connecting the generation facilities connected at the OG level which have transmission system user status**

**PROVISIONAL ARTICLE 5<sup>96 97</sup>** - (1) User-owned line that connects the generation facility to the switchyard of the transmission facility, whose direct connection to the feeders at distribution voltage level of the switchyards the transmission facility without being connected to any distribution center, and execution of connection and system usage agreement with TEİAŞ are approved by the Board and to whose license such is annotated, shall be operated by the legal entity that installed these lines until they are used by another user or connected to the distribution system. In the event that this line is used by another user or connected to the distribution system, the said line shall be taken over by the distribution company within the framework of the procedures and principles specified in Article 37 and the user shall become the user of the distribution system.

(2) Pre-license or license holder legal entities who have executed a connection agreement with TEİAŞ or obtained a connection opinion from TEİAŞ within the scope of the first paragraph may request to be connected from the distribution system by way of making a pre-license or licence amendment application to the Authority.

(3) Actions and transactions regarding the requests that fall within the scope of the second paragraph shall be carried out pursuant to the Electricity Market Licensing Regulation. The pre-license or license holder legal entity shall apply to the distribution company for execution of a connection agreement within thirty days following notification of the decision on approval of the amendment transaction, and the reciprocal obligations shall be fulfilled and the connection agreement shall be executed within sixty days. In case new facility investment is needed within the framework of the connection agreement executed with the distribution company within this scope, the provisions of this Regulation shall be applied.

(4) Following installment of distribution assets required for connection to the distribution system of the legal entities who executed a connection agreement with the distribution company within the scope of the third paragraph, the connection agreement executed with TEİAŞ shall automatically terminate as effective from the provisional acceptance date of said distribution assets and the user-owned energy conveyance lines and other network elements shall be transferred to the distribution company or TEİAŞ, depending on the relevant party.

(5) The line owned by the legal entity who executed a connection agreement with the distribution company within the scope of the third paragraph, shall be transferred to the relevant distribution company or TEİAŞ at a nominal fee, in exchange for operation and maintenance services, depending on the relevant party.

(6) The responsibility regarding the parts of the user-owned line, which are not subject to network operating pursuant to the connection opinion prepared within the scope of the third paragraph shall rest with the relevant legal entity.

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<sup>96</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>97</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

### **Submission of the operating service protocol to the authority**

**PROVISIONAL ARTICLE 6<sup>98</sup>** - (1) Operating Service Protocol to be prepared by the relevant parties pursuant to the second paragraph of Additional Article 1, shall be submitted to the Authority until 31/08/2017.

### **Harmonisation of the installed capacity in the license and the contract power**

**PROVISIONAL ARTICLE 7<sup>99</sup>** - (1) Within 6 months from the effective date of this Article, generation license holders connected to the transmission system whose installed capacity annotated to their license and the contract power under their system usage agreement differ, shall apply to the Authority or TEİAŞ to amend their licenses or to revise the contract powers in order to harmonise the two said values.

### **Execution of connection and system usage agreements during the pre-license period**

**PROVISIONAL ARTICLE 8<sup>100 101</sup>** - (1) Connection and system usage agreements regarding generation facilities shall not be executed before the generation license is obtained. However, the connection agreement may be executed until 31/12/2021, provided that the pre-license holder legal entity makes an application and the affirmative opinion of the distribution license holder is obtained.

(2) In case the electricity facilities within the scope of the distribution network are established pursuant to the first paragraph by the relevant distribution license holder legal entity within the framework of the investment program, a collateral in the amount of the total investment amount calculated in accordance with the Methodology on the Installation of the Distribution Assets by the User, shall be obtained from the user. In order for the obtained collaterals to be repaid, the provisional acceptance of the generation facility shall be made and upon the provisional acceptance of said distribution facility, the decision on public interest, decision on the establishment or transfer of easement or forest final permit shall be obtained regarding the places where said distribution facility is located.

### **Distribution system usage collaterals**

**PROVISIONAL ARTICLE 9<sup>102</sup>** - (1) The procedures regarding collection of collateral within the scope of system usage agreement shall continue to be applied until the procedures and principles to be issued pursuant to the fourth paragraph of Article 24 enter into force.

### **Installment of distribution assets**

**PROVISIONAL ARTICLE 10<sup>103</sup>** - (1) The electricity facilities to be established or financed by users who executed a connection agreement with electricity distribution companies shall be evaluated within the scope of repayment within the framework of Article 21 for the purpose of establishment or financing of the distribution assets required for connection of the following facilities to the distribution system by individuals or legal entities within the scope of Article 21 before 02/12/2020:

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<sup>98</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 1 June 2017 and numbered 30083.

<sup>99</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 29 September 2018 and numbered 30550.

<sup>100</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 3 March 2020 and numbered 31057.

<sup>101</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>102</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>103</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

- a) Facilities for whom a generation license is issued,
- b) Unlicensed generation facilities included in Article 21 with the Regulation Amending the Electricity Market Connection and System Usage Regulation published in the Official Gazette dated 23/03/2016 and numbered 29662.

**Enforcement**

**ARTICLE 40** - (1) This Regulation shall enter into force on the date of its publication.

**Execution**

**ARTICLE 41** - (1) The provisions of this Regulation shall be executed by the President of the Energy Market Regulatory Authority.

	<b>Regulation Published in the Official Gazette</b>	
	<b>Dated</b>	<b>Numbered</b>
	28/01/2014	28896
	<b>Regulations amending the Regulation Published in the Official Gazettes</b>	
	<b>Dated</b>	<b>Numbered</b>
	23/03/2016	29662
1	23/03/2016	29662
2	30/07/2016	29786
3	01/06/2017	30083
4	29/09/2018	30550
5	03/03/2020	31057
6	09/05/2021	31479

## ANNEXES<sup>104</sup>

### ANNEX-1<sup>105</sup>

#### Connection, System Usage and Interconnection Usage Agreements

	<b>Agreement Parties</b>
<b>Connection Agreement</b>	TEİAŞ – Generation Company to be Connected to the Transmission System at a Voltage Level Higher than 36 kV
	TEİAŞ – Consumer to be Connected to the Transmission System at a Voltage Level Higher than 36 kV
	TEİAŞ – Distribution Company to be Connected to the Transmission System at a Voltage Level Lower than 36 kV (including 36 kV)
	TEİAŞ – Distribution License Holder OIZ to be Connected to the Transmission System at a Voltage Level Lower than 36 kV (including 36 kV)
	TEİAŞ – OIZ Holding or not Holding a Distribution License to be Connected to the Transmission System at a Voltage Level Higher than 36 kV
	TEİAŞ – Supplier Company Owning an Independent Electricity Storage Facility to be Connected to the Transmission System at a Voltage Level Higher than 36 kV
	Distribution Company – Generation Company to be Connected to the Distribution System at a Voltage Level Lower than 36 kV (including 36 kV)
	Distribution Company – Consumer to be Connected to the Distribution System at a Voltage Level Lower than 36 kV (including 36 kV)
	Distribution Company – OIZ Holding or not Holding a Distribution License to be Connected to the Distribution System at a Voltage Level Lower than 36 kV (including 36 kV)
	Distribution Company – Supplier Company Owning an Independent Electricity Storage Facility to be Connected to the Distribution System at a Voltage Level Lower than 36 kV (including 36 kV)
<b>System Usage Agreement</b>	TEİAŞ – Users Who Have Executed a Connection Agreement with TEİAŞ
	Distribution Company – Users Who Have Executed a Connection Agreement with Distribution Company
<b>Interconnection Usage Agreement</b>	TEİAŞ – Supplier Company Importing or Exporting Electricity by Using the Transmission System
	TEİAŞ – Generation Company Exporting Electricity by Using the Transmission System
	Distribution Company – Supplier Company Importing or Exporting Electricity by Using the Distribution System
	Distribution Company – Generation Company Exporting Electricity by Using the Distribution System

<sup>104</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

<sup>105</sup> Amended pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.

**ANNEX-2<sup>106</sup>**

<b>Table for Distribution Assets to be Installed or Financed by Users <sup>1</sup></b>										
<b>S/N</b>	<b>Applicant</b>	<b>Nature of the Place Subject to Connection Request<sup>2</sup></b>	<b>Connection Request Power (kW)</b>	<b>Date and Number of the Connection Application<sup>3</sup></b>	<b>Date and Number of the Connection Opinion<sup>4</sup></b>	<b>Voltage Level at which Connection will be Met (AG/OG)</b>	<b>Location of the Place Subject to Connection Request<sup>5</sup></b>	<b>Document Certifying the Location of the Place Subject to Connection Request<sup>6</sup></b>	<b>Date and Number of Connection Agreement<sup>7</sup></b>	<b>Type of Distribution Assets to be Installed or Financed<sup>8</sup></b>

- 1** All connection opinions regarding distribution assets to be installed or financed by users within the scope of Article 21 of the Regulation shall be inserted and shall be filled out annually.
- 2** To be filled depending on whether the the place subject to connection request is a generation or consumption facility.
- 3** Date and number of the connection request shall be inserted.
- 4** Date and number of the connection opinion shall be inserted.
- 5** To be filled depending on whether it is located inside or outside of a residential area.
- 6** The “document obtained from the relevant administration” or “CBS screen shot” link shall be inserted, in a way to certify the place subject to connection request.
- 7** Date and number of connection agreement shall be inserted.

To be filled depending on whether the distribution assets to be installed or financed are DM, KÖK, Distribution Transformer, Site Distribution Box, OG line or AG line..In case there are multiple distribution asset types to be selected, all of such types shall be included. (In case there are multiple distribution asset to be selected, it shall be inserted as, e.g., DM-OG line.)

**NOTE:** As for items 3, 4, 6 and 7 of this table, confirmatory information and documents shall be submitted via EDVARS.

<sup>106</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.



**ANNEX-3<sup>107</sup>**

**Table for Realizations regarding Distribution Assets Installed or Financed by Users <sup>1</sup>**

S/N	Applicant	Nature of the Place Subject to Connection Request <sup>2</sup>	Project No <sup>3</sup>	The Year in which the Connection Request Specified in the Connection Opinion will be Met <sup>4</sup>	Type of Distribution Assets Installed or Financed <sup>5</sup>	Date and Number of the Provisional Acceptance Report regarding Distribution Assets <sup>6</sup>	Date of Submission of the Permit regarding the Places where the Distribution Facility is Located <sup>7</sup>	Payments Made within the Scope of Permit Obtained regarding the Places where the Distribution Facility is Located <sup>8</sup>	Fee Specified in the Facility Agreement regarding Distribution Assets <sup>9</sup>	First Installment of the Repayment Made <sup>10</sup>	Fee to Accrue due to TÜFE Difference <sup>11</sup>	Total Fee Paid to User <sup>12</sup>	Single line Image of Distribution Network and Distribution Assets Installed by User <sup>13</sup>

- 1** To be filled annually according to the distribution assets, whose repayment is made within the scope of Article 21 and which are reported as investment expenditure in the tariff tables.
- 2** To be filled depending on whether the place subject to connection request is a generation or consumption facility.
- 3** To be filled so as to be the same with the project numbers submitted to our Authority within the scope of tariff tables.
- 4** To be filled by indicating only the year specified in the connection opinion.
- 5** To be filled depending on whether the distribution assets to be installed or financed are DM, KÖK, Distribution Transformer, Site Distribution Box, OG line or AG line. In case there are multiple distribution asset types to be selected, all of such types shall be indicated separately. (In case there are multiple distribution asset to be selected, it shall be inserted as, e.g., DM-OG line.)
- 6** Date and number of the provisional acceptance report shall be inserted.
- 7** Date of submission to the distribution company of the decision on public interest, decision on the establishment of easement, transfer decision, or forest final and/or preliminary permit regarding the places where said distribution facility is located, shall be inserted.
- 8** The mandatory fees covered by the users regarding the immovable property on which the distribution facility is located, such as expropriation, transfer, easement, leasing transactions, rights for highways, shall be inserted.
- 9** The fee specified in the facility agreement executed by the parties shall be inserted. When this item is reported via EDVARS, the summary document calculated according to the characteristics of the facility and the unit prices submitted to the Authority within the scope of Article 21, shall be included.
- 10** Both the month and the year shall be indicated when inserting the first installment of repayment made. (e.g., January-2021)
- 11** The fee updated according to Tüfe rate shall be inserted. When reporting this item via EDVARS, the summary document regarding calculation of Tüfe difference shall be included.
- 12** To be filled according to the sum of the fees specified in items 8, 9 and 11. In cases where repayment is made within the scope of the permit obtained from relevant administrations, in separate reporting of mandatory fee payments, the fee covered within this scope shall be inserted in item 8, whereby items 9, 10, 11 and 12 shall be left blank.
- 13** The relevant link or connection address, in a way to distinguish the current state of the distribution network boundaries and the boundaries of the distribution assets installed or financed by the user (in a different color or format), shall be inserted.

<sup>107</sup> Inserted pursuant to the Regulation published in the Official Gazette dated 9 May 2021 and numbered 31479.