

CHARGING SERVICE REGULATION

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CHAPTER ONE Preliminary Provisions

Purpose and scope

ARTICLE – (1) The purpose of this Regulation is to designate the procedures and principles regarding the establishment of charging units and stations from which electricity is supplied to electric vehicles, the operation of the charging network and charging stations connected to the charging network and the provision of charging services.

(2) This Regulation covers the procedures and principles regarding establishment and operation of charging units and charging stations; formation of charging network; licensing of charging network operators and regulation of their activities; rights and obligations of charging network operators, charging station operators and users; establishment and operation of open access platform; and excludes mobile charging units that supply electricity with the purpose of procuring roadside assistance to electric vehicles.

Legal Basis

ARTICLE 2 – (1) This Regulation has been prepared based on Additional Article 5 of the Electricity Market Law No. 6446, dated 14/03/2013.

Definitions

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

a) Information and Communication Security Guide: The guide issued by the Digital Transformation Office of the Presidency of Turkey for determining the minimum security measures to mitigate and eliminate information security risks and to ensure the security of critical information/data which may in particular threaten national security or disrupt public order when its confidentiality, integrity or accessibility is compromised; as well as for identifying the activities to be carried out in order to implement the said measures;

b) Interoperability: The interactive, harmonious and effective interoperability of charging stations connected to the charging network or that are operating independently, as well as with electricity transmission or distribution networks and the software systems supporting them;

c) Distribution company: License holder legal entity engaged in distribution of electricity in a designated region;

ç) Electric vehicle: A motorized road vehicle that is propelled by an electric motor alone or as a supplement and which can be charged externally with electricity;

d) Public charging station: A charging station that is physically accessible to all users;

e) Internal installation: The electrical installation located after the connection point of consumption facilities which is under the responsibility of the electricity consumer;

f) Relevant legislation: Laws, Presidential decrees, Presidential decisions, regulations, communiqué, circulars, Board decisions and licenses regarding the electricity market and charging service market;

g) Relevant network operator: TEİAŞ, distribution company or legal entity holding OIZ distribution license, as applicable;

ğ) Law: Electricity Market Law No. 6446;

h) User: Person who obtains charging service for electric vehicle;

ı) Board: Energy Market Regulatory Board;

i) Authority: Energy Market Regulatory Authority;

j) Private charging station: Charging station established in places with restricted access and in which commercial activities can also be carried out;

k) Loyalty agreement: Agreement executed between the electric vehicle user and the charging network operating license holder in order to obtain charging services under advantageous conditions;

l)¹ Open access platform: Platform prepared by the Authority for real-time viewing of all existing publicly available charging stations, which provides live data as to charging stations and where data exchange and other procedures are offered with standard protocols and interface;

m) Certificate: Authorization certificate issued by the charging network operator to an individual or legal entity within the framework of the procedures and principles designated by the Authority for the establishment or operation of one or more charging station(s) within a charging network on behalf and account of the charging network operator;

n) Charging network: System created to provide charging services to electric vehicles at multiple charging stations and managed by the charging network operator;

o) Charging network operator: License holder legal entity that provides charging services to electric vehicle users by granting access to the charging network and operates the charging network;

ö) Charging equipment: Equipment used to transfer electricity from the charging unit to the electric vehicle;

p) Charging service: Wired or wireless energy transfer carried out for commercial purposes and against the price thereof in order to charge accumulator, battery, capacitor and similar energy storage equipment on electric vehicles;

r) Charging station: Facility where wired or wireless electricity transfer to electric vehicles is carried out;

s) Charging station operator: Individual or legal entity that operates charging stations on site and provides charging services to third parties in the said charging station within the scope of the certificate it obtained from the charging network operator;

ş) Charging unit: A single physical unit where one or more wired or wireless charging connection(s) can be made available and charging service is offered.

(2) Terms concepts that are used in this Regulation but not defined herein shall primarily have the meanings and scope attributed to them in the relevant legislation; and if not defined under the relevant legislation, they shall have the meanings and scope attributed to them in the "Electric Vehicles and Electric Charging Systems-Basic Terms and Definitions" standard numbered TS 13909.

¹ Amended pursuant to the Regulation published in the Official Gazette dated 28 July 2023 and numbered 32262.

CHAPTER TWO

Charging Network Operating License, Exemptions and Licensing Process

Charging network operating license

ARTICLE 4 – (1) Charging network operation shall be carried out within the scope of the charging network operating license obtained from the Authority.

(2) Licenses are non-transferable. However, the following cases are not considered as license transfer:

a) A license holder legal entity may transfer its rights and obligations under this Regulation to another legal entity by way of merger or demerger within the scope of the Turkish Commercial Code dated No. 6102, dated 13/1/2011, subject to Board approval.

b) In the event that limited recourse or non-recourse project finance is provided by banks and/or financial institutions to a license holder legal entity, the banks and/or financial institutions may issue a notification to the Authority together with their reasoning pursuant to the provisions of the loan agreement and may request that a license be granted to another legal entity to be proposed by them in accordance with the conditions set forth under this Regulation, provided that the proposed legal entity assumes all of the liabilities of the license holder legal entity under its license. If the Board deems the reasoning provided by the banks and/or financial institutions appropriate, a new license shall be granted to the proposed legal entity in continuation of the previous license, subject to the same rights and obligations, provided that it fulfills the obligations under this Regulation.

(3) Persons who obtain a license from the Authority shall comply with the provisions of the relevant legislation along with other legislation.

(4) License holder legal entities that operate in the electricity market and whose tariffs are subject to regulation may not apply for a charging network operating license and may not provide charging services.

(5) If it is determined that charging network operation is carried out in the market in breach of the provisions of the relevant legislation, sanctions specified in Article 16 of the Law shall be imposed on the relevant person.

Exemptions

ARTICLE 5 – (1) Private charging stations that do not engage in commercial activity under any name or manner and charging units installed by users for their own need are not required to be connected to a charging network.

License application procedure

ARTICLE 6 – (1) An application shall be submitted via the EPDK Application System together with the required information and documents in accordance with the procedures and principles designated by the Authority in order to obtain a license.

(2) The applicant legal entity shall submit to the Authority in writing the information pertaining to its authorized representative who will make the electronic application to the Authority. The Authority shall register the electronic application authority of the authorized representative on behalf of the said legal entity within five business days from the notification date.

(3) Legal entities must meet the following criteria in order to apply for a license:

a) Incorporation as a joint stock company or a limited liability partnership in accordance with the provisions of the Turkish Commercial Code, and its minimum capital shall not be less

than the amount specified in the procedures and principles issued by the Board, except for the applications made by state economic enterprises;

b) In case such legal entity is incorporated as a joint stock company, all of its shares (excluding publicly traded shares in accordance with the capital market legislation) must be in registered form and such company must not issue any shares in bearer form, excluding those shares listed on a stock exchange.

Receipt, review and evaluation of license applications

ARTICLE 7 – (1) The examination of whether the information and documents requested from legal entities during the application are duly submitted shall be completed within ten business days following the date of their submission to the Authority. The deficiencies in the applications identified to contravene the relevant legislation shall be requested to be corrected within fifteen business days from the date of the notification to the relevant entity, and the legal entity shall be notified that, if the said deficiencies are not corrected, the application will be deemed not made. If the deficiencies are not corrected within the said period or the Authority is notified that the application has been withdrawn, the application shall be considered as not made, and the documents and license fee submitted to the Authority during the application shall be returned upon the request of the applicant.

(2) The applications identified as complete according to the license application principles shall be deemed to be admitted to review as of the application date, or as of the date that the information and documents regarding the correction of the deficiencies within the scope of the first paragraph are submitted to the Authority.

(3) Any additional information and documents necessary to conclude the evaluation process may be requested from the applicant and the authorized representative(s) of the applicant legal entity may be called in for direct interviews.

(4) The fact that a license application is taken into evaluation does not mean that the applicant shall be entitled to obtain a license.

Finalization of license applications

ARTICLE 8 – (1) The evaluation of the license application shall be submitted to the Board to be concluded by a Board decision.

(2) A charging network operating license shall be granted to the legal entity that fulfills the obligations specified in the relevant legislation by a Board decision and the trade name, registered trademark and license term of the license holder legal entity are announced on the Authority's website.

(3) The evaluation of the license application shall be concluded within thirty days and the decision made shall be notified to the relevant person.

Minimum required content of the license

ARTICLE 9 – (1) As a minimum, the license shall display:

- a) Trade name and registered trademark of the license holder;
- b) Effective date and term of the license;
- c) Other matters deemed appropriate by the Board.

Entry into force of the license

ARTICLE 10 – (1) The license shall come into effect from the date specified in the license and the rights and obligations of the license holder under the license shall come into effect from such date.

License fees

ARTICLE 11 – (1) License fees comprise fees for obtaining license, license amendment and issuance of copies of license as well as annual license fees.

(2) The license fees that will apply for the following year shall be determined by the Board until the end of December of each year, and published in the Official Gazette and announced on the website of the Authority. In case of a change in the license fees, the license fee valid on the application date shall be paid regarding transactions for which the license fee must be paid in advance, and the license fee valid on the application finalization date shall be paid regarding other transactions.

(3) All fees for license amendment and issuing copies of license as well as obtaining license shall be paid in advance.

(4) The annual license fee shall be calculated by multiplying the net sales amount related to charging service carried out within the scope of the license included in the annual income statements of the license holders by the coefficient to be annually determined by the Board.

(5) The annual license fee shall be deposited to the Authority's account until 31 July of the following year.

(6) No annual license fee shall be charged for a term of five years starting from the beginning of the calendar year following the date of entry into force of this Regulation.

(7) If the annual license fees are not deposited to the Authority's bank account within the required period, the default interest rate determined in accordance with Article 51 of the Law No. 6183 on the Procedure for Collection of Public Receivables dated 21/7/1953 shall be applied to the amount payable.

(8) No license amendment fee shall be charged for amendments originating from errors in fact, amendments made *ex officio* by the Authority and amendments required by legislative changes and legislative implementations.

(9) The fees for license and amendment shall be based on the fees valid at the time that the information and documents related to the application are submitted to the Authority in their entirety

(10) A single license amendment fee shall be charged if more than one amendment requests are made for the same license with the same application.

License term and extension

ARTICLE 12 – (1) Licenses shall be granted for a maximum of 49 years.

(2) The license term may be extended upon the request of the license holder, starting from the expiry of the license term and in view of the designated maximum license term.

(3)² The extension request can be made by way of a license amendment application to be made to the Authority by the license holder, and if the license term is extended, it shall be announced on the Authority's website.

(4) Matters to be considered in the evaluation of the extension request shall be designated by the Authority.

License amendment

² Amended pursuant to the Regulation published in the Official Gazette dated 28 July 2023 and numbered 32262.

ARTICLE 13 – (1) Licenses may be amended per the request of the license holder or *ex officio* by the Authority. License amendments made per the request of the license holder may not contain provisions disrupting the free market or competition conditions.

(2) If any information annotated to the license changes or it is necessary to add information to or remove information from the license, the license holder shall apply to the Authority with all necessary information and documents to request the amendment of the license within thirty days from the occurrence of such situation or from the time that such situation comes to the knowledge of the license holder.

(3) License amendment application shall be made in accordance with the procedures and principles determined by the Authority. The review of the compliance of the information and documents requested during the application with the relevant legislation shall be completed within ten business days following the submission of the information and documents to the Authority. The deficiencies in the applications identified to contravene the relevant legislation shall be requested to be corrected within ten business days from the date of the notification to the relevant entity, and the license holder shall be notified that, if the said deficiencies are not corrected, the application will be deemed not made. If the deficiencies are not corrected within the said period or the Authority is notified that the application has been withdrawn, the application shall be considered as not made, and the documents and license amendment fee submitted to the Authority during the application shall be returned upon the request of the license holder.

(4) License amendment applications shall be concluded by a Board decision.

Termination of Licenses

ARTICLE 14 – (1) A license shall automatically terminate without notification upon expiry of its term or shall be terminated by a Board decision in the following cases:

- a) Finalization of the bankruptcy of the license holder;
- b) Termination of the legal personality of the license holder, except for the transfer of the rights and obligations of the license holder under its license to another legal entity by way of merger or demerger within the scope of the Turkish Commercial Code;
- c) License holder's request;
- ç) Failure to submit a valid document to the Authority within thirty days from notification to the license holder, evidencing that the requisite conditions for license eligibility are met, upon determination of loss of the requisite conditions for license eligibility;
- d) Failure to fulfill an obligation annotated to the license during the license issuance period on time;
- e) Failure to install the charging network within the period specified in the fourth paragraph of Article 15 or failure to maintain the same after its installment;

(2) The license holder shall notify the charging station operators to whom it has issued a certificate at least two months prior to the cease of its activities and inform the Authority accordingly.

(3) In case of termination of license, the certificates issued by the charging network operator shall automatically terminate.

CHAPTER THREE **Charging Network, Rights and Obligations of the License Holder**

Charging network

ARTICLE 15 – (1) Charging network consists of public and private charging stations where engaged in commercial activities, which are operated by the charging network operator and operated within the scope of the certificates issued by the charging network operator.

(2) The charging network operator shall establish a charging network consisting of at least fifty charging units and charging stations in at least five different districts within six months from the effective date of its license. At least five per cent of the charging units included in the charging network and at least fifty per cent of the charging units on highways and state roads that are under the responsibility of the General Directorate of Highways shall be charging units with DC 50 kW power and above.

(3) At each charging station connected to the charging network, at least one of the AC power charging units, if available, must be equipped with a Type-2 charging socket as defined in the TS EN 62196-2 standard; and at least one of the DC power charging units, if available, shall be equipped with a combined charging system (Combo-2) as defined in the TS EN 62196-3 standard. AC power charging units may be brought into operation upon being equipped with a Type-2 charging socket or a vehicle connector.

(4) The charging network operator shall bring the charging network into compliance with the requirements specified in the second and third paragraphs. License holders who fail to establish the charging network within the period specified in the second paragraph or fail to maintain it after establishing it shall meet the necessary conditions within thirty days without the need for notification and to notify the Authority that these conditions have been met.

(5) The Authority may impose commercial and technical requirements and special conditions on charging network operators, including the establishment of charging stations in certain locations and in certain numbers, in view of the geographical coverage of the charging network, coverage of charging stations and the projection prepared in accordance with Article 31. If the charging network operator so requests, the procedures on real property acquisition required for the charging station established within this scope shall be carried out within the scope of the first, third and fifth paragraphs of Article 19 of the Law. The total cost for charging stations established within this scope, including financing, may be taken into consideration in determination of the charging service fee. The Authority shall designate the procedures and principles in this regard, if necessary.

Rights and obligations of the charging network operating license holder

ARTICLE 16 – (1) A charging network operating license holder shall have the right:

- a) To provide charging services throughout the country;
- b) To establish and operate charging stations;
- c) To have charging stations established and operated within the scope of the certificates it issued;
- ç) To conclude loyalty agreements with users within the scope of Article 29;
- d) To request acquisition of real property for charging stations to be established within the scope of the fifth paragraph of Article 15;

2) In addition to those specified in the relevant legislation, the license holder shall be obliged:

- a) To provide continuous, high quality and uninterrupted charging service at charging stations connected to the charging network, except for the cases specified in Article 23;
- b) To provide charging services without discrimination among equal parties;
- c) To provide charging services to all types of electric vehicles with a socket structure compatible with the charging unit at charging stations connected to the charging network and to maintain the necessary software, equipment and hardware;

ç) To determine, announce and implement the charging service fee in accordance with the relevant legislation;

d) Not to charge a separate fee to the users under any name other than the fee calculated on the basis of the charging service fee in return for the charging service;

e) To establish, maintain and operate the necessary management, inspection and recording system in order to ensure the interoperability of charging stations within the framework of Article 19 and to ensure that the Authority and other public institutions and organizations deemed appropriate by the Authority have access to this system and charging stations;

f) To serve notifications in accordance with the specified procedures and principles, to provide the Authority or persons authorized by the Authority the necessary information, documents and similar materials upon request, to allow the officers of the Authority and the officers authorized by the Authority to conduct inspections at the facilities;

g) To take out the necessary financial liability insurance or have them taken out to indemnify against the material damage and loss against life and property that may arise due to provision of charging services;

ğ) To prepare and announce reports to be requested by the Authority;

h) To announce on its website the information designated by the Authority and, if available, via its mobile application;

ı) To establish a system that will provide timely, up-to-date, accurate and complete information to be announced on the open access platform within one month from the entry into force of the license;

i) To take the measures regarding information security within the framework of Article 18;

j) To obtain an electronic notification address in its own name as defined in the Electronic Notification Regulation published in the Official Gazette dated 6/12/2018 and numbered 30617 and maintain the validity thereof;

k) To pay to the Authority the fees related to license procedures and annual license fees fully and on time.

(3) In case of change in the direct shareholding structure of the license holder legal entity, or the chairman and members of the board of directors thereof or the authorized representatives thereof, the license holder shall notify the Authority thereof, together with the following documents, within six months from the announcement of the relevant change in the Turkish Trade Registry Gazette:

a) In case of a direct change in the shareholding structure of the license holder legal entity, a notary certified copy of the share transfer agreement or the Turkish Trade Registry Gazette that announces such change, except for changes in publicly traded shares of joint stock companies;

b) In case of a change of the chairman and members of the board of directors of the license holder legal entity, a notary certified copy of the resolution regarding such change or the Turkish Trade Registry Gazette that announces such resolution;

c) In case of a change in the authorized representatives(s) of the license holder legal entity, the authorization certificate containing the identity information of the new authorized representatives(s) and any limitation on their authority.

(4) The rights of the license holder under the license cannot be transferred, assigned or pledged to third parties without the permission of the Authority.

Expansion and narrowing of the charging network

ARTICLE 17 – (1)³ If the charging network operator intends to add a new charging station to its charging network, it shall apply to the Authority electronically in the format designated by the Authority. Information on the geographical location, number of charging units and sockets, certificate information, charging unit types and powers pertaining to the charging station to be added to the charging network; the document obtained in accordance with the Regulation on Workplace Opening and Operating Licenses promulgated by the Council of Ministers’ Decision dated 14/7/2005 and numbered 2005/9207 regarding the charging station subject to the application and the document issued by the relevant network operator within the scope of Article 22 regarding the connection of the charging station to the transmission and distribution system shall be submitted to the Authority under the application. The Authority may request additional information and documents if it deems necessary.

(2) The application made within the scope of the first paragraph shall be finalized by the Authority within ten business days. The result of the application shall be notified electronically to the charging network operator. If the application is approved by the Authority, the charging station shall be assigned a number, added to the charging network operator's network and announced on the public charging station open access platform.

(3) If the charging network operator intends to remove a charging station from the charging network, it shall notify the relevant network operator as well as notify the Authority electronically in the format designated by the Authority. Following the notification, the charging station shall be removed from the relevant charging network and open access platform by the Authority.

(4) The charging network operator shall notify the Authority electronically in the format designated by the Authority within five business days in case of change in the number of charging units and sockets, charging unit types and powers as well as certificate information regarding the charging stations in the charging network. Following the notification, the Authority shall update the information regarding the charging station and announce it on the open access platform.

(5) Information regarding charging stations in each charging network shall be kept and stored separately in the Authority’s database.

Information security

ARTICLE 18 – (1) The charging network operator shall be responsible for the confidentiality, integrity, accessibility, accuracy and security of all information made available to and submitted to the Authority.

(2) The charging network operator shall maintain the data obtained through the works and transactions performed within the scope of its license in accordance with the relevant legislation and shall take and implement security measures to prevent access to these data and the charging network operating system by unauthorized persons other than the Authority and other relevant public institutions and organizations authorized by the Authority. The Information and Communication Security Guide shall be taken as a reference within the scope of the measures to be taken regarding information security. Data communication protocols and methods designated by the Authority shall be implemented in the data transfers to be made the Authority.

(3) The data collected within the scope of the charging service shall be securely stored by the charging network operator for at least five years from the date that the service was provided.

(4) The Authority shall be entitled to use, report, publish and make publicly available the data collected from charging network operators.

³ Amended pursuant to the Regulation published in the Official Gazette dated 9 August 2023 and numbered 32274.

Interoperability

ARTICLE 19 – (1) The requirements provided under the relevant legislation shall be fulfilled in order for the interactive, harmonious and effective interoperability of charging stations with the transmission or distribution systems.

(2) Communication protocols used in the communication of charging stations providing charging services with charging networks and electric vehicles shall be compatible with each other.

(3) The Authority may designate the principles regarding the establishment and operation of communication and control systems that will enable the charging network and charging stations connected to the charging network to communicate with the transmission and distribution system and to ensure uninterrupted, continuous and reliable operation of the transmission and distribution system.

(4) A reservation system may be established by the charging network operator to enable users to make reservations at charging stations in order to obtain charging services. If deemed necessary, the Authority may designate the procedures and principles regarding the operation of the reservation system.

Certificate

ARTICLE 20 – (1) The charging network operator shall issue certificates for the establishment and operation of charging stations by third parties and for the operation of charging stations as connected to their own charging network. The certificate issued by the charging network operator shall define the rights and obligations of the parties regarding the provision of charging service between the charging network operator and the charging station operator to whom it issued certificate.

(2) As a minimum, the certificate shall include the following provisions:

a) The name or title of the charging network operator and the charging station operator individual or legal entity to whom a certificate is issued, as well as their contact information for service of notices;

b) Effective date and validity term of the certificate;

c) The geographical location of the charging station and the number, type and power configuration of the charging units and sockets located or to be located at the charging station;

ç) Rights and obligations of the parties.

(3) The charging network operator shall announce the procedures and principles regarding the rules to be applied in the issuance, termination and cancellation of certificates on its website. These procedures and principles may not contain provisions contrary to the legislation or disruptive of the functioning of the market.

(4) Only one license holder may issue a certificate for each charging station. The term of the certificate issued may not exceed the validity term of the relevant charging network operating license. The charging station operator may provide charging services at multiple charging stations with a certificate obtained from the charging network operator.

(5) The primary responsibility for the provision of charging service belongs to the charging network operator. Provision of charging service at a charging station covered by the certificate does not eliminate the obligations and liability of the charging network operator arising from the relevant legislation and other legislation.

(6) The charging station operator shall carry out charging services subject to the supervision and inspection of the charging network operator issuing the certificate. Charging stations operated by the certificate holder may be inspected by the Authority or institutions or organizations authorized by the Authority. The charging network operator shall ensure that the certificate holder

accommodates inspectors' requirements during the on-site inspection and fully provides the information and documents requested by the officials or sends them upon request in order for the Authority to fulfill its duties arising from the legislation.

(7) The charging station operator's activities shall cease upon termination of its certificate. In that case, the charging station operator may apply to another charging network operator to request a certificate and operate by way of connecting to the charging network of the license holder from which it obtained its certificate.

CHAPTER FOUR

Charging Stations, Their Establishment and Operation

Charging station

ARTICLE 21 – (1) The charging station shall be designed, established, commissioned, operated, decommissioned and inspected in accordance with the relevant legislation and standards. No individual or legal entity may supply electricity or authorize the use of charging equipment for charging electric vehicle at the charging station in breach of the relevant legislation or standards.

(2) Without prejudice to the provisions of this Regulation, charging stations are subject to the rules defined in the relevant legislation regarding consumption facilities that are connected to the transmission or distribution system.

(3) Electricity supplied to the user within the scope of charging services shall not be considered as electricity supply within the scope the Law.

(4) Charging station may consist of one or more charging unit(s). Charging services at a charging station may be carried out by inclusion in one charging network only.

(5) The meters to be used for measuring the electricity consumption of charging stations with a separate electricity subscription and that have at least one charging unit with a power of DC 50 kW and above shall be compatible with the automatic metering system to be established pursuant to the relevant legislation.

(6) At public charging stations where charging services are provided, at least one of the payment systems that will enable all users to purchase charging services shall be available. Information on how to use this payment method shall be provided at the charging station and on the digital platforms of charging network operators. These payment methods shall be available on the open access platform.

(7) Measuring instruments in accordance with the Measures and Adjustment Law No. 3516, dated 11/1/1989 shall be utilized in order to measure the volume of electricity transferred to electric vehicles in charging units where charging services are provided and for it to be visible to the user.

Establishment of charging station

ARTICLE 22 – (1) Connections of the charging station to the distribution and transmission system shall be made in accordance with the Electricity Market Connection and System Usage Regulation published in the Official Gazette dated 28/1/2014 and numbered 28896.

(2) For charging stations to be connected to the internal installation, the provisions of the Electricity Internal Facilities Regulation published in the Official Gazette dated 4/11/1984 and numbered 18565 shall be applied.

(3) Applications for connection to the OIZ distribution system for charging stations planned to be established within Organized Industrial Zones holding OIZ Distribution License shall be made in accordance with the Regulation on the Electricity Market Activities of Organized Industrial Zones published in the Official Gazette dated 14/3/2014 and numbered 28941.

(4) Preparation of the electricity projects of the charging station, project approval and facility acceptance procedures shall be carried out within the framework of the Electricity Facilities Project Regulation published in the Official Gazette dated 30/12/2014 and numbered 29221 *bis* and the Electricity Facilities Acceptance Regulation published in the Official Gazette dated 7/5/1995 and numbered 22280 and the relevant legislation.

(5) Requests for connection of the charging stations to the distribution system shall be evaluated and met within the scope of the consumption facility and no negative opinion may be issued by the distribution company regarding connection requests except for the cases specified in the Electricity Market Connection and System Usage Regulation.

(6) Charging network operators or certificate holder charging station operators intending to establish and operate charging stations to provide charging services by fulfilling the requirements provided under the relevant legislation shall apply to the relevant network operator with the form in Annex-1. The relevant network operator shall issue the document in Annex-2 with respect to the applications for which a positive opinion has been issued within five business days from the application date. The relevant network operator shall notify the applicant of the applications that it does not approve together with its reasons. These reasons may not be contrary to the relevant legislation. Appeals to the applications that are not approved shall be reviewed by the Board. Information regarding the applications shall be notified to the Authority by the relevant network operator within the time frames and in the format designated by the Authority.

(7) The relevant network operator shall submit the information obtained during the establishment and operation process of charging stations to the Authority in accordance with the principles designated by the Authority.

Operating the charging station

ARTICLE 23 – (1)⁴ A charging station shall hold the document required to be obtained in accordance with the Regulation on Workplace Opening and Operating Licenses in order to begin provision of charging services. If it is determined that such document is no longer valid, the charging service activities carried out at the charging station shall be terminated.

(2) Charging services shall be procured continuously and uninterruptedly in public charging stations, excluding events of force majeure and just causes not attributable to the license holder. Charging stations available for use at parking lots of workplaces such as hotels, restaurants and shopping malls may provide charging services within the working hours of the workplace to which they are connected.

(3) Charging stations, utilization of which is determined to be threatening the safety of life and property, shall be immediately taken out of service and shall not be utilized or put into service until the safety of life and property is re-established at the charging station.

(4) In public charging stations, it is essential to provide charging services without discrimination among users in equal situations.

(5) Signboards or stickers containing explanations regarding the notices and complaints that may be made by users to the charging network operator as well as information to be provided to the user regarding the types and powers of charging units shall be placed on or near the charging units in a simple and understandable manner.

Electricity storage facility and electricity generation facility adjoined to the charging station

⁴ Amended pursuant to the Regulation published in the Official Gazette dated 9 August 2023 and numbered 32274.

ARTICLE 24 – (1) Electricity generation facilities based on renewable energy resources may be established within the scope of the Unlicensed Electricity Generation in the Electricity Market Regulation published in the Official Gazette dated 12/5/2019 and numbered 30772 in order to meet the electricity needs of the charging station.

(2) Electricity storage facilities adjoined to the consumption facility may be established within the charging station within the scope of the Storage Activities in the Electricity Market Regulation published in the Official Gazette dated 9/5/2021 and numbered 31479.

(3) Charging stations that fall within the scope of the first or second paragraph shall be notified to the Authority by the charging network operator.

CHAPTER FIVE

Pricing, Announcement and Monitoring of Prices, Measures

Pricing and announcement

ARTICLE 25 – (1) Without prejudice to the situations set forth in Additional Article 5 of the Law, the charging service fee shall be determined freely. Charging service fee shall be applied in terms of the unit energy fee (TL/kWh) transferred to the electric vehicle. Different fees may be determined for charging units of different types and power. The volume of energy transferred to the vehicle shall also be included in the invoice or invoice substitute document issued for the charging services provided within the scope of the Tax Procedural Law No. 213, dated 4/1/1961. A separate fee, other than the fee calculated based on the charging service fee, may not be charged under any name in return for the charging service provided, such as connection fee, transaction initiation fee, charging equipment usage fee.

(2) The charging network operator shall announce the charging service fees applied at the charging stations within the charging network simultaneously on its own website, digital platforms and in a manner that can also be accessed from the charging stations.

(3) The charging service fee shall be determined in view of the investment expenses, operating expenses, depreciation, electricity procurement costs relating to the establishment of charging stations and charging network and legal charges such as taxes, charges and funds in addition to a reasonable profitability.

(4) A separate charging service fee may not be determined at the stations within the charging network, excluding the items specified in the first paragraph.

(5) The charging network operator shall disclose to the Authority the method for forming and updating the charging service fee.

(6) Charging service fees to be applied as of the following day shall be notified to the Authority by the charging network operators until 17.00 hours on the current day. The notified fees shall be effective as of 00.00 hours on the following day and shall be applied until the next fee change.

(7) The charging service fee to be applied by charging network operators may not exceed by 25%, the lowest charging service fee applied to users with whom they have concluded a loyalty agreement. Charging network operators may not charge a separate fee within the scope of the loyalty agreement under any name, such as contract fee or membership fee, to the users with whom they have concluded a loyalty agreement.

(8) Financial losses to be incurred due to prevention of another user from obtaining charging services without obtaining charging services are excluded from the scope of this Regulation.

(9) If a fee is charged to the user within the scope of the reservation service offered by the charging network operator, this fee shall be refunded after the user obtains charging services within the scope of the relevant reservation.

(10) Additional fees may be charged to users who do not leave the charging station on the condition that the charging network operator informs the user that the charging service has been completed.

Price monitoring and additional measures

ARTICLE 26 – (1) The Authority shall be authorized at each stage of the activities to determine the floor and/or ceiling fee to be applied and to take the necessary measures to be applied at regional or national level, which shall not be longer than three months in each case, upon initiation of the necessary procedures, if the agreements or actions that are intended to prevent, distort or restrict the activities regulated within the scope of charging services or competition, or that have or may have this effect, create disruptive effects on charging services. As a result of evaluation of these effects, it may apply minimum and maximum limits on the fees applied within the scope of charging services.

CHAPTER SIX

Users' Rights and Obligations and Charging Network Development

Rights and obligations of users

ARTICLE 27 – (1) It is essential that users obtain service from all public charging stations offering charging services to meet their instant and individual demands, under the same conditions as other users in equal situations.

(2) If a user does not have a loyalty agreement in place with the charging network operator providing charging services within the scope of Article 29; the said user shall provide the information requested within the scope of charging services in a complete and accurate manner.

(3) If a user has obtained reservation service from the charging network operator providing charging services, the said user shall render his/her vehicle ready to obtain charging services at the charging station where it made a reservation at the time specified in the reservation notice.

(4) Unless the user fulfills its obligations as to rendering his/her electric vehicle ready to obtain charging services, it may not request the charging network operator and charging station operator to fulfill their obligations as to provision of charging services.

User complaints

ARTICLE 28 – (1) The charging network operator shall establish communication channels through which user complaints can be communicated, recorded and users can be tracked, and finalize the requests submitted to it within fifteen business days and inform the users accordingly.

(2) The Law on the Protection of Consumers No. 6502, dated 7/11/2013 and the other relevant legislation shall be applied regarding the rights of users obtaining charging services and the compensation of their damages.

(3) The records created within the scope of this article shall be stored for two years in accordance with information security measures.

Loyalty agreement

ARTICLE 29 – (1) Users intending to conclude a loyalty agreement with the charging network operator shall apply to the relevant charging network operator in writing or through the

corporate communication channels of the company. The loyalty agreement may be concluded in writing or remotely.

(2) Provisions contrary to the relevant legislation may not be included in the loyalty agreement.

(3) Different charging service fees may be applied to the users subject to a loyalty agreement within the scope of Article 25.

Open access platform

ARTICLE 30 – (1) The Authority shall establish and operate an open access platform where the geographical location, number, power and type of charging units, number and type of sockets, availability status, payment method and charging service fees pertaining to public charging stations located within all charging networks are announced.

(2) The charging network operator shall submit to the Authority the following within the scope of this Regulation in order to be announced on the open access platform in accordance with the time frames and format to be designated by the Authority:

a) As for each charging station within its charging network, the geographical location, number, type and power of charging units, number and type of sockets, and charging station number and name;

b) The payment method to be used for charging services at and the working hours of each charging station;

c) Charging service fees to be applied on the basis of charging units and sockets regarding each charging station;

ç) The start and actual or estimated end dates and times of planned maintenance and breakdowns of the charging station;

d) The availability status of charging units and sockets at charging stations;

e) Other information deemed necessary by the Authority.

Charging network development projection

ARTICLE 31 – (1) The development and geographical spread of charging stations shall be monitored by the Authority. In case of determination of situations that may lead to deviations in the targets on expanding the use of electric vehicles, the Authority may take additional measures, including fee regulation, or may notify the relevant public administrations to have them take measures.

(2) The Authority shall:

a) Prepare projections regarding the development of electric vehicle usage and the charging infrastructure needs every two years by utilizing the data obtained from distribution companies, charging network operators and electric vehicle manufacturers and importers within the scope of the specified policies;

b) Notify the relevant authorities of the measures that can be taken and the incentive proposals that can be implemented depending on the said projections;

c) If the development of the charging network falls short of the envisaged targets, it may impose the obligation to install charging stations where needed;

ç) Consider the market effects of incentives to be provided by other institutions regarding charging services in regulations.

CHAPTER SEVEN

Audit, Sanctions and Other Provisions

Audit and sanctions

ARTICLE 32 – (1) The Authority may audit charging network operators and charging station operators by its own personnel or by the personnel of other public institutions and organizations when necessary.

(2) If it is determined that the provisions of this Regulation and the relevant legislation are not complied with in the establishment and operation of charging network, the establishment and operation of charging station and the provision of charging services, the Regulation on the Procedures and Principles to be Followed in the Audits and Preliminary Inspections and Investigations to be Conducted in the Electricity Market published in the Official Gazette dated 28/1/2003 and numbered 25007 shall be applied.

(3) If conditions for license cancellation are identified, the Authority shall take necessary measures to ensure that the service is not interrupted.

(4) Supply of electricity to electric vehicles from the charging station without being connected to the charging network for commercial purposes shall be considered to fall within the scope of sub-paragraph (c) of the first paragraph of Article 48 of the Electricity Market Consumer Services Regulation published in the Official Gazette dated 30/5/2018 and numbered 30436, and the relevant network operator shall notify the competent authority and tax directorate thereof.

(5) If a license is cancelled, the certificates issued by the charging network operator shall automatically terminate.

(6)⁵ The legal entity whose charging network operating license has been cancelled, shareholders holding ten percent or more of the shares of such legal entity, and the chairman and members of its board of directors, including those who have left office within one year preceding the license cancellation date, may not obtain a charging network operating license, apply for a license, be a direct or indirect shareholder in legal entities applying for a license, or take office in their board of directors, for three years following the cancellation of the license.

Force majeure

ARTICLE 33 – (1) The obligations of the charging network operator arising from the relevant legislation may be postponed or suspended by the Authority in case of force majeure, to the extent they are affected, until the effects of force majeure are eliminated. If it is understood that the said obligations cannot be fulfilled, the Authority may also decide to partially or completely remove the obligations of the license holder.

(2) In order for an event to be considered as force majeure, it is necessary that an application be made to the Authority within thirty days from the start date of the incident and the incident cannot be prevented, avoided and predicted despite the affected party having shown the necessary care and attention and having taken all the precautions and this situation should prevent the affected party from fulfilling its obligations set forth under the relevant legislation.

(3) The following situations shall be considered as events of force majeure, without limitation:

- a) Natural disasters and epidemics;
- b) War, nuclear and chemical fallout, mobilization, civil unrest, aggression, terrorist acts and sabotage;
- c) Strikes, lockouts or other officer or labor actions.

⁵ Inserted pursuant to the Regulation published in the Official Gazette dated 28 July 2023 and numbered 32262.

(4) In order for a decision to be adopted to postpone, suspend or remove the obligations under the relevant legislation, the charging network operator shall submit an application to the Authority including the following:

- a) The starting date and nature of the event of force majeure;
- b) Its effects on its obligations under the relevant legislation;
- c) If possible, the estimated remediation period of the effects.

(5) Requests within the scope of this article shall be concluded by a Board decision within sixty days following the completion of the required information and documents regarding the application.

CHAPTER EIGHT

Provisional and Final Provisions

Charging stations in operation

PROVISIONAL ARTICLE 1– (1) Persons providing charging services shall bring their position into compliance with this Regulation within four months as of the date of entry into force of this Regulation.

Document obtained pursuant to the Regulation on Workplace Opening and Operating Licenses **PROVISIONAL ARTICLE 2**⁶ – (1) The document obtained pursuant to the Regulation on Workplace Opening and Operating Licenses, which is required to be held by the charging network operator for adding a charging station to the charging network within the scope of Article 17, shall be submitted to the Authority until 31/7/2024.

Formation of a Charging Network

PROVISIONAL ARTICLE 3⁷ – (1) Legal entities holding a charging network operating license as of the effective date of this Article shall be granted time until 31/1/2024 for establishment of a charging network within the scope of the second paragraph of Article 15.

Enforcement

ARTICLE 34 – (1) This Regulation shall enter into force on the date of its publication.

Execution

ARTICLE 35 – (1) The provisions of this Regulation shall be executed by the President of the Energy Market Regulatory Authority.

⁶ Amended pursuant to the Regulation published in the Official Gazette dated 9 August 2023 and numbered 32274.

⁷ Amended pursuant to the Regulation published in the Official Gazette dated 28 July 2023 and numbered 32262.