

# DÖĞERLIOĞLU LAW FIRM INFORMATION PLATFORM

January/February/March 2016- Electricity Market

## UNLICENSED MARKET

**On 23 March 2016**, Energy Market Regulatory Authority (“EMRA”) published the regulation regarding the changed rules on Unlicensed Electricity Generation in Electricity Market which brings significant alterations on the preceding “**Regulation regarding the Generation of Unlicensed Electricity in the Electricity Market**” and “**Communication Concerning the Application of Regulation on the Unlicensed Electricity Generation in the Electricity Market**”.

## PROHIBITION ON SHARE TRANSFER

Unsurprisingly, New Unlicensed Regulation came into force on 23 March 2016. Share transfer is prohibited as expected. What happens now?

“Share Transfer Prohibition” is regulated under the 20<sup>th</sup> paragraph of article 31 of the New Regulation. Accordingly, “...share transfer (excluding succession) is prohibited for the term starting from the application date until the date of temporary approval of whole generation facilities subject to the application...”. What is the meaning of this article?

### What kind of generation facilities are under the scope of Share Transfer Prohibition?

Share Transfer Prohibition is valid for generation facilities with 1 MW installed power or wind and solar energy based generation facilities with an utmost limit determined by Council of Ministers decision within the framework of article 14 of the Electricity Market Law and legal person who wishes to transfer Unlicensed Projects without temporary approval.

#### Q1: What is the extent of Share Transfer Prohibition?

A: Share transfer (excluding succession) is prohibited! However, share transfer for a reason other than succession can be possible after the date of temporary approval within the framework of certain procedures.

#### Q2: How will be the shares transferred from now onward?

A: You may find further details on this issue at Döğerlioğlu Web Page <http://www.dogerli hukuk.com/>



Reformulation on  
**1 MW limitation!!!**

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*“Legal person who has already transferred his shares to third parties is subjected to the regulation in force at date of transfer. For this reason, we believe that subsequent revisions in the regulations should not create risk for the validity of the obtained call letter”.*

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## Contact Us

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## Electricity Market in the First Quarter of 2016

Regulation regarding the Changes in Energy Market Notification Regulation- **January, 2016**

Regulation regarding the Changes in Environmental Impact Assessment Regulation- **February, 2016**

Regulation regarding the Changes in Electricity Market Consumer Services Regulation- **February, 2016**

Prime Ministry Circular (2016/6) related to Board of Monitoring and Coordination for Energy Investments - **February, 2016**

Regulation regarding the Changes in Electricity Market Connection and System Usage Regulation- **March, 2016**

Regulation regarding the Changes in Unlicensed Electricity Generation Regulation in Electricity Market- **March, 2016**

Communication regarding the Changes in Application of Regulation on the Unlicensed Electricity Generation in the Electricity Market - **March, 2016**

Regulation regarding the Changes in Services Quality Regulation related to Electricity Distribution and Retail Sale- **March, 2016**



***“The Voice of Unlicensed Solar Energy Market: Challenges and Solutions Workshop” presented by Döğeriioğlu & Günder in Istanbul, February 2016.***



The Sectoral Report named as “The Voice of Unlicensed Solar Energy Market: Challenges and Solutions” which was written by energy division of Döğeriioğlu Law Firm will be soon published (Turkish Version).

In this report Döğeriioğlu analyzes the change and development process of unlicensed solar energy investments in Turkish renewable energy market, lists the most significant barriers before the unlicensed solar energy projects and presents alternative solution recommendations in the light of the successful foreign models.