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Energy Law Bulletin



**REGULATORY
DEVELOPMENTS**



**GLOBAL ENERGY
MARKET DEVELOPMENTS**

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— REGULATORY DEVELOPMENTS

1 EMRA Publishes Comprehensive Draft Legislative Package for the Electricity Market

PUBLIC CONSULTATION LAUNCHED: 4 June 2026 — DEADLINE FOR SUBMITTING COMMENTS: 15 June 2026

The Turkish Energy Market Regulatory Authority ("**EMRA**") has [published](#) a comprehensive legislative package for public consultation, proposing significant amendments to various secondary legislation governing the operation of the Turkish electricity market.

Draft Regulations:

- Regulation on Balancing and Settlement in the Electricity Market
- Regulation on Unlicensed Electricity Generation in the Electricity Market
- Regulation on Grid Connection and System Usage in the Electricity Market
- Regulation on Ancillary Services in the Electricity Market
- Regulation on Electricity Market Activities of Organized Industrial Zones and Industrial Zones
- Regulation on the Certification and Support of Renewable Energy Resources

Draft Board Decisions:

- Draft Amendment to the Board Decision on the Determination of the KÜPSM Value and KÜPSM/KÜPST Calculation Coefficients pursuant to Article 110 of the Balancing and Settlement Regulation
- Draft Board Decision on the Reporting of Unfulfilled Instructions in the Balancing Power Market
- Draft Amendment to the Board Decision on the Distribution System Connection Agreement for Unlicensed Electricity Producers
- Draft Board Decision on the Determination of the Maximum Permissible Difference Between Bid Prices in the Balancing Power Market

The draft package introduces significant new requirements concerning emergency dispatch instructions, the 900-kW capacity threshold, and load-shedding priority for distribution-connected unlicensed generation facilities. These

proposals are intended to mitigate the operational risks arising from the rapid expansion of distributed generation through a more centralized system control mechanism.

In this context, the draft legislation envisages SCADA integration and remote controllability becoming standard operational requirements for unlicensed generation facilities. Should these amendments be adopted, owners of small-scale generation facilities may be required to make additional investments in technical infrastructure and ensure compliance with the new operational standards.

At the same time, the proposed rules regarding the determination of the allowable spread between balancing market bid prices and the introduction of new reporting obligations for unfulfilled dispatch instructions aim to strengthen regulatory oversight of market participants' conduct in the balancing power market and enhance overall market discipline.

Taken together, these proposed amendments demonstrate EMRA's intention to adopt a comprehensive regulatory approach that integrates distributed generation more closely with the central electricity system, both from a technical perspective—through SCADA integration and remote-control capabilities—and from a market perspective by enhancing monitoring and reporting obligations within the balancing market.

2 EMRA Revises the Calculation Methodology for Annual Electricity Generation Amount ("AEGA")

EMRA has repealed its Board Decision No. 9745 of 2020, which governed the calculation of the Annual Electricity Generation Amount ("**AEGA**") for determining the limit on electricity energy/capacity purchases that may be made from the market by licensed generation companies, and replaced it with [Board Decision No. 14626](#).

The new Decision introduces a day-based proportional calculation as an additional element of the AEGA formula. Accordingly, where a generation facility is included in an aggregator portfolio during a calendar year, the days on

which the facility remains within the aggregator portfolio will no longer be taken into account in the AEGA calculation. Instead, only the generation amount corresponding to the period during which the facility remains outside the aggregator portfolio will be included in determining the applicable market purchase limit.

This amendment addresses a regulatory gap that has emerged with the increasing use of the aggregator model in the Turkish electricity market. Where a generation facility joins or leaves an aggregator portfolio during the relevant year, its market purchase limit will now be calculated on a pro rata basis, reflecting the period during which it operates independently. Consequently, licensed generation companies participating in aggregator portfolios should reassess their market purchase limits for the relevant calendar year in accordance with the revised methodology.

The Decision also introduces an important clarification for electricity generation facilities with integrated energy storage systems. Pursuant to the new provision, the amount of electricity withdrawn from the grid and stored by integrated storage units will not be included in the calculation of the ratio referred to in Article 7/2(c) of the Electricity Market Law, as implemented under Article 30(10) of the relevant Regulation.

This clarification provides greater regulatory certainty for storage-integrated generation facilities. Electricity withdrawn from the grid solely for storage purposes will no longer be treated as market purchases for the purpose of calculating the licensed generation company's market purchase limit. As a result, storage operations will not consume the market purchase quota available to the license holder, thereby eliminating a key regulatory uncertainty that could otherwise have discouraged investment in electricity storage projects.

ASSESSMENT

The amendments introduced by Board Decision No. 14626 aim to ensure that the calculation of market purchase limits more accurately reflects the actual generation and consumption profile of licensed generation companies by excluding the effects of aggregator participation and storage operations from the AEGA calculation.

The Decision is also consistent with EMRA's broader regulatory approach of encouraging energy storage investments and demand-side flexibility within the Turkish electricity market. By providing greater legal certainty regarding the treatment of storage facilities and aggregator portfolios, the new framework is expected to facilitate investment decisions, particularly for storage-integrated solar and wind generation projects and portfolio managers operating through aggregator structures.

3 New Regulatory Framework Following the Constitutional Court's Decision

AMENDMENTS INTRODUCED BY LAW NO. 7501

The first comprehensive legislative reform concerning the future of Türkiye's unlicensed electricity generation regime was introduced through [Law No. 7501 on Amendments to the Mining Law and Certain Other Laws, which entered into force on 11 May 2024](#).

Although primarily enacted as an omnibus law introducing amendments in the mining sector, Law No. 7501 also brought significant changes to Law No. 5346 on the Utilization of Renewable Energy Resources for the Purpose of Generating Electrical Energy (the "Renewable Energy Law").

In particular, the amendment to Article 6 of the Renewable Energy Law made the transition of unlicensed generation facilities to licensed generation, following the expiry of their Renewable Energy Support Mechanism ("YEKDEM") support period, conditional upon the payment of a license acquisition fee.

Furthermore, the amendment to Article 4 of the Renewable Energy Law provided that the fundamental rules and procedures governing Renewable Energy Resource Area ("YEKA") tenders would be determined through tender specifications to be prepared by the Ministry. Consequently, a new regulatory framework was adopted under which a substantial part of the legal regime governing the tender process would be established through secondary regulatory instruments rather than directly by statute.

These amendments triggered significant debate within the energy sector, particularly regarding the legal status of unlicensed generation facilities following the expiry of their support period and the regulatory framework governing YEKA tenders. Several of these issues subsequently became the subject of the Constitutional Court's review.

ANNULMENT DECISION OF THE CONSTITUTIONAL COURT

In its judgment dated 26 November 2025 ([Case No. E.2024/133, Decision No. K.2025/233](#)), the Constitutional Court issued a landmark ruling with significant implications for Türkiye's unlicensed electricity generation regime and the Renewable Energy Resource Area YEKA framework. The judgment was published in the Official Gazette on 10 March 2026, while the entry into force of the annulment provisions was postponed for nine months to allow the legislature sufficient time to enact replacement legislation.

The Court annulled the provision introduced by Law No. 7501 requiring the payment of a license acquisition fee for the transition of unlicensed generation facilities to licensed generation. The Court held that the provision was unconstitutional because the law failed to set out the fundamental principles governing the calculation of the fee, thereby violating the constitutional requirement that the essential elements of such financial obligations be prescribed by law.

The Court also annulled the provision delegating the determination of the fundamental rules and procedures governing YEKA tenders entirely to tender specifications prepared by the administration. According to the Court, leaving the essential framework of the tender regime solely to administrative documents, without establishing sufficient statutory principles, was incompatible with the principle of the rule of law.

Conversely, the Court upheld the provision authorising the President to determine the pricing mechanism applicable to the sale of surplus electricity generated by unlicensed generation facilities. Accordingly, this provision remains in

force and subsequently served as the legal basis for Presidential Decision No. 11415, published in June 2026.

ASSESSMENT

Although the Constitutional Court's judgment does not immediately alter the existing regulatory regime, it has initiated a significant legislative process for the electricity sector. Before the annulment provisions become effective, the Turkish Grand National Assembly is expected to enact a new statutory framework governing both the license acquisition fee and the legal framework applicable to YEKA tenders.

Pending the adoption of the new legislation, investors, particularly those planning the transition of unlicensed generation facilities to licensed generation, should closely monitor legislative developments and take the evolving regulatory framework into account when making investment decisions.

NEW REGULATORY FRAMEWORK FOR UNLICENSED ELECTRICITY GENERATION FOLLOWING THE PRESIDENTIAL DECISION AND EMRA BOARD DECISIONS

[Presidential Decision No. 11415, dated 12 June 2026](#), introduced, for the first time, a comprehensive regulatory framework governing the post-support period applicable to unlicensed electricity generation facilities following the expiry of the ten-year Renewable Energy Support Mechanism YEKDEM support period. The implementation of the Presidential Decision has subsequently been clarified through EMRA Board Decisions No. 14671 and No. 14681.

Under the new framework, where the generation facility and the consumption facility are connected through the same metering point, the entire amount of electricity generated may be sold. Where the generation and consumption facilities are connected through different metering points, only surplus electricity may be sold, with the determination of the eligible surplus amount delegated to EMRA. Pursuant to Board Decision No. 14671, EMRA has determined that, for 2026, the entire amount of surplus electricity will be eligible for sale.

Following hourly netting, the purchase price applicable to surplus electricity injected into the grid will be calculated as 90% of the applicable YEKDEM price for the relevant renewable energy source. However, under no circumstances may the applicable purchase price exceed the Market Clearing Price ("MCP") for the relevant settlement period. The obligation to purchase such electricity has been assigned to the incumbent supplier companies, while the purchased electricity will continue to be accounted for under the YEKDEM mechanism.

In addition, EMRA Board Decision No. 14681 provides that the "Unlicensed Producer-2" distribution tariff will apply in 2026 in respect of the export-oriented distribution charge applicable to these facilities.

ASSESSMENT

The new regulatory framework significantly reduces the longstanding uncertainty regarding the legal status of unlicensed generation facilities following the expiry of their YEKDEM support period. Nevertheless, the revised pricing mechanism envisages a revenue model that is generally less favorable than the support regime available during the YEKDEM period. Accordingly, investors should reassess their revenue projections and commercial models in light of the new pricing framework.

Furthermore, as the methodology for determining the eligible surplus electricity amount beyond 2027 has not yet been established, future regulatory developments in this area should be closely monitored by market participants.

4 Draft Regulation on the R&D Activities of Electricity and Natural Gas Distribution Companies

On 24 June 2026, the Energy Market Regulatory Authority ("EMRA") opened to public consultation the [Draft Regulation Amending the Procedures and Principles on the Support of Research, Development and Innovation Activities of Electricity and Natural Gas Distribution Companies](#).

The draft aims to update the existing framework applicable to the R&D and innovation activities of distribution companies, enhance

support mechanisms, and render project processes more effective. Opinions of the relevant institutions and organizations will be accepted by EMRA until 10 July 2026.

Although the draft has not yet entered into force, the scope of the new R&D support mechanisms and the project acceptance criteria will be of particular importance for electricity and natural gas distribution companies, as well as sector stakeholders engaged in technology development.

5 Amendment to the Regulation on Electricity Market Connection and System Use

CPI-INDEXED REIMBURSEMENT OF TRANSMISSION ASSETS

Significant amendments have been introduced to the reimbursement mechanism for transmission assets through the [Regulation Amending the Electricity Market Connection and System Use Regulation](#), published in the Official Gazette dated 25 June 2026 and numbered 33291.

Prior to the amendment, with respect to user-financed transmission investments, the investment amount determined by TEİAŞ as the basis for reimbursement was fixed in Turkish lira and was not subject to any adjustment throughout the reimbursement period. Under the new regulation, the phrase "by being fixed in Turkish lira" in Article 20 of the Regulation has been repealed, and the procedures and principles governing the adjustment of the investment amount serving as the basis for reimbursement during the reimbursement period based on the Consumer Price Index ("CPI") have been regulated through the newly added sixth paragraph of the same article.

Accordingly, the investment amount serving as the basis for reimbursement will be adjusted annually by the CPI rate over the outstanding balance, starting from the first January following the commencement of reimbursement. For the first adjustment, the CPI value for the month in which the final provisional acceptance approval of the transmission assets subject to the connection agreement was granted will be

taken as the base index. In this way, the regulation aims to prevent the investment amount from losing value against inflation during the reimbursement period.

The scope of the new indexation mechanism has also been clearly determined under Provisional Article 13 added to the Regulation. Accordingly, CPI-based adjustment will apply only to transmission facilities whose provisional acceptance is approved on or after 27 January 2026. Investments whose provisional acceptance was completed before this date will continue to be reimbursed under the existing system.

ASSESSMENT

The amendment significantly reduces the inflation risk borne by investors, particularly with respect to the financing of high-value transmission investments. Under the previous system, substantial losses could occur in the real value of the investment amount during the reimbursement process extending over several years. The new regulation appears to have brought the reimbursement mechanism into closer alignment with economic realities. However, since the regulation will not apply retroactively, a different reimbursement regime will emerge between existing investments and new investments.

— GLOBAL ENERGY MARKET DEVELOPMENTS

1 Seventh Turkish-German Energy Forum

18 – 19 June 2026, Ankara — MENR (Ministry of Energy and Natural Resources)

The seventh edition of the Forum, which serves as the central dialogue platform of the Turkish-German Energy Partnership, [was held](#) in person at the Ministry of Energy and Natural Resources on 19 June 2026, between 10:00 and 18:30. The Forum was attended by Dr. Alparslan Bayraktar, Minister of Energy and Natural Resources of the Republic of Türkiye, and Katherina Reiche, Federal Minister for Economic Affairs and Energy of Germany, as well as senior representatives from the public sector, industry, academia and civil society.

Three side events were organised within the scope of the Forum:

- **Energy Start-up Showcase** — A Turkish-German start-up ecosystem meeting, featuring venture presentations and investor matchmaking.
- **Powering Resilience** — A high-level session addressing cooperation between the two countries for resilient energy systems in the face of geopolitical developments, changing energy markets and increasing electricity demand.
- **Energy Efficiency in Data Centres** — A session discussing regulatory approaches to energy efficiency in data centres and waste heat recovery in the context of rising electricity demand driven by the increasing use of artificial intelligence applications.

The prominent themes addressed at the Forum, namely “energy efficiency in data centres” and “resilient energy systems”, indicate that regulatory initiatives in these areas may come onto the agenda in Türkiye in the upcoming period, including possible EMRA and/or Ministry-level legislation.

2 CEF Energy — Sixth Call for Status for Cross-Border Renewable Energy Projects

CINEA (European Climate, Infrastructure and Environment Executive Agency) — 29 June 2026

The European Climate, Infrastructure and Environment Executive Agency (“**CINEA**”) [has published](#) the sixth call on 29 June 2026 in relation to the Cross-Border Renewable Energy Projects (“**CB RES**”) mechanism carried out under the Connecting Europe Facility (“**CEF**”) Energy programme.

Under the call, renewable energy projects developed between European Union Member States or between Member States and third countries, and having the nature of cross-border cooperation, may submit an application for CB RES status through the designated CB RES Application Platform until 6 October 2026. Projects awarded CB RES status will become eligible to apply for the final CEF Energy CB RES funding call, expected to be launched in 2027, for project development studies and physical investments.

To support the application process, CINEA also organized an online information session for project developers, during which practical information was shared on the policy framework of the call, the application and evaluation process, and the preparation of a successful application.

Launched in 2021, the CB RES mechanism aims to strengthen the integration of the European Union’s energy markets and to promote cross-border cooperation in renewable energy investments. The programme supports on-shore and offshore wind energy, solar energy, sustainable biomass, geothermal energy, ocean energy and hybrid renewable energy projects. Since the launch of the mechanism, more than EUR 165 million in funding has been provided to 17 projects, which contribute to the European Union’s objectives of reducing carbon emissions, strengthening security of energy supply and integrating energy markets.

ASSESSMENT

The sixth CB RES call demonstrates that the European Union continues to pursue an approach whereby renewable energy investments are planned not only at national level, but also on a regional scale. In particular, it is understood that investments aimed at cross-border electricity infrastructure, hybrid renewable energy projects and the enhancement of interconnection capacity will remain among the priority areas of European Union energy policy in the upcoming period.

Although Türkiye is not a Member State of the European Union, closely monitoring these developments is important in terms of its integration process with European electricity markets, cross-border energy trade and regional energy cooperation, particularly for international investors and market participants with the potential to develop cross-border projects.

3 EU Signs First “Tripartite Agreement” to Scale Up Energy Storage

European Commission — 26 June 2026, Luxembourg (Energy Council Meeting)

Within the framework of the initiative bringing together 22 EU Member States, energy storage developers and manufacturers, renewable energy companies, energy-intensive industrial users and financial institutions, a commitment was made to deploy 30–35 GW of new energy storage capacity during the 2026–2028 period.

[The agreement](#) was signed on the same day as the 22 Member States adopted their common position on the EU Grids Package at the EU Energy Council.

Commitments:

- Project developers will provide annual capacity forecasts for new storage and hybrid projects.
- Energy-intensive industries will develop storage projects at their own facilities and increase transparency regarding electricity consumption data.
- Member States will support cost-reflective and non-discriminatory grid tariffs that incentivize flexibility.
- The European Investment Bank has committed to expanding its EUR 1.5 billion grid manufacturing package to also cover manufacturers of storage components.

Against the EU’s 2030 target of 200 GW of storage capacity, installed capacity stood at approximately 55 GW as of the beginning of 2026. In this context, the agreement has been described by sector representatives as “the most comprehensive policy recognition of storage at EU level.”

The agreement is not a binding legislative instrument but rather constitutes a political framework that is expected to guide future amendments to grid tariff and incentive legislation at national level.

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