Use of e-vehicles in Ukraine

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On 23 March 2023, the Law of Ukraine "On Certain Issues of the Use of Vehicles Equipped with Electric Engines and Amendments to Certain Laws of Ukraine on Overcoming Fuel Dependence and Development of Electric Charging Infrastructure and Electric Vehicles" (hereinafter referred to as the "Law") came into force.

The Law was developed to implement the provisions of the Association Agreement between Ukraine and the European Union and to harmonise Ukrainian legislation, in particular, with Directives 2009/33/EC and 2014/94/EU of the European Parliament.

The Law applies to the use of vehicles equipped with electric engines, as well as to the development and use of infrastructure for them. It contains several innovations that may have an immediate impact on the use of electric vehicles in Ukraine and on the commercial activities related to the provision of services in this sector.

1. New terminology

The Law defines a number of terms, such as: hydrogen fuel cell vehicle, plug-in hybrid vehicle, electric wheeled vehicle, electric bus, electric vehicle, electric vehicle charging station (electric charging station), etc. Given that this terminology has not been clearly defined before, the Law may become one of the cornerstones for the creation of a further regulatory framework for the use of vehicles equipped with electric engines.

2. Location of charging stations

According to the new rules, electric charging stations and energy storage facilities may be located on land plots of any category of land and/or type of designated use.

To install such a station, the consent of the owner or user of the land plot is required.

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Charging stations can be set up on the adjoining territories of apartment buildings even in the absence of title documents for the land plots under the buildings and the adjoining territory. In such cases, the charging stations may be used exclusively for charging the batteries of electric vehicles owned by co-owners, tenants, leaseholders and other users of apartments and non-residential premises of an apartment building. Moreover, the stations must be equipped with devices for separate metering of the electricity they consume.

3. Connection of charging stations to the grid

Electric charging stations that do not meet the criteria for standard connection are connected at the request of a customer by the distribution system operator under the procedure for obtaining a non-standard turnkey connection service.

An electric charging station may be connected within the existing consumption capacity of a residential building. In this case, the existing capacity is determined according to the design documentation and daily measurements.

Such connection is subject to the following conditions:

- electricity is consumed by electric charging stations during the relevant periods of the day;
- there is a possibility of an unconditional full or partial restriction of the power consumption mode by the charging station; and
- installation at the charging station owner's expense of equipment that automatically regulates and limits the electricity consumption by the charging station in terms of time and capacity.

No land plot allocation is required for a distribution system operator to place and construct cable transmission lines with a voltage of not more than 150 kV, which are located at a depth of over 0.5 metres from the soil surface.

4. Urban development

Under the Law, multi-storey building projects must take into account the need to equip at least 50% of parking spaces for vehicles with electric engines with electric charging stations. Such projects must also provide for a separate commercial metering of the electricity used by the charging stations.

The construction of cable transmission lines with a voltage of not more than 150 kV by a transmission system operator or distribution system operators or other persons (under an agreement with such operators) on state or communal land may be carried out without a document certifying the right of ownership or use of the given land plot. In such cases, it is necessary to obtain a permit from the state or communal land administrator to use such land for the period of construction and installation works.

If within 45 days from the date of registration of the permit application, the relevant executive authority or local self-government body fails to grant such a permit or a substantiated refusal thereto, construction and installation works may be carried out without a permit from the day following the expiry of this period. The authority to which the permit was applied for must be notified in writing.

5. Charging services

The provision of charging services for electric energy storage systems (batteries) of electric vehicles using electric charging stations constitutes electricity consumption as opposed to electricity supply.

6. Tariffs

Tariffs for the distribution of electricity by distribution system operators shall provide for compensation for the cost of payment for the connected capacity for the connection of electric vehicle charging stations. Such compensation shall be made if it is included as a separate component of the electricity distribution tariff of the distribution system operator.

Until 1 January 2025, the calculation of the fee for non-standard connection of charging stations used to provide electric vehicle charging services shall include only the fee component for the establishment of the power grids of the linear part of the connection.

Such electric vehicle charging stations must be equipped with a separate means of commercial metering of electricity. At the same time, it is prohibited to use electricity for purposes other than provision of electric vehicle charging services and for consumption for own needs.

The algorithm for calculating the fee for non-standard connection of energy storage facilities to the electricity grid is applied in a similar way. In this case, the electricity transmission tariff should include compensation for the cost of the payment for the connected capacity for the connection of energy storage facilities. If the funds provided for in the tariff to compensate for the cost of the connected capacity fee for the connection in the relevant year are not sufficient, such funds should be provided for in the transmission tariff of the transmission system operator in the following year.