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## CONSUMER PROTECTION IN THE ELECTRICITY MARKET IN THE EUROPEAN UNION AND SLOVENIA: VULNERABLE CUSTOMERS AND EMERGENCY SUPPLY

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**Abstract** The article examines consumer protection in the electricity market, focusing on vulnerable customers and the right to emergency supply. At EU level, it outlines the development from the energy legislative packages to Directive (EU) 2019/944, which strengthens consumer rights and requires Member States to define and protect vulnerable groups. In Slovenia, these issues are regulated by Article 33 of the Electricity Supply Act (ZOEE), implemented through the System Operating Instructions (SONDSEE) and the Energy Agency's act on criteria for ensuring emergency supply. The article applies normative and comparative legal analysis, reviews the Energy Agency's Annual Reports, and analyzes case law. The findings reveal a gap between regulation and practice, as only one request for emergency supply was approved in Slovenia, in 2019. It proposes clearer criteria, simpler procedures, and more effective consumer information, particularly for vulnerable groups, to ensure the right to emergency supply is realized in practice.

### Keywords

consumer protection,  
vulnerable customers,  
emergency supply,  
electricity market,  
ZOEE,  
Directive (EU)  
2019/944,  
energy poverty,  
Energy Agency

## 1 Introduction

The European legislative framework of the internal electricity market is based on a balance between competition, security of supply, and consumer protection, with consumer rights strengthened explicitly in the more recent legislative reforms of the European Union. In the context of electricity market liberalization, the integration of electricity networks, and fluctuations in electricity prices, it is essential that market reforms do not undermine the protection of the most vulnerable market participants. A special place in this framework is reserved for vulnerable customers, who are entitled to an emergency electricity supply.

At the level of the European Union (hereinafter: EU), the conceptual and normative framework for the protection of household customers – consumers in the field of electricity – was shaped through four energy packages, reaching its peak with Directive (EU) 2019/944<sup>1</sup>, which imposed clear rules on consumer rights, the protection of vulnerable groups, and mechanisms for addressing energy poverty on Member States.

Slovenia transposed these foundations into its national legal order primarily through the Energy Act (Energetski zakon, EZ-1), which entered into force in 2014, and, subsequently, through the Electricity Supply Act (Zakon o oskrbi z električno energijo, ZOEE) of 2021, which implemented Directive (EU) 2019/944. Article 33 of the ZOEE regulates specifically the concept of a vulnerable customer and the right to an emergency electricity supply. An emergency supply represents a measure which, under certain conditions, postpones the disconnection of electricity, and is intended for cases where the life and health of a vulnerable customer are at risk.

Nevertheless, empirical insights into practice, particularly in the reports of the national regulator – the Energy Agency, an independent body responsible for regulating the energy market – reveal a gap between the legal framework and the implementation of the institution of emergency supply in practice. The right to an emergency supply is recognized extremely rarely in Slovenia; the procedures are demanding for customers, and the evidentiary standards are high. The cost burden

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<sup>1</sup> Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU.

of the emergency supply is transferred to distributors, who, at the same time, decide on the recognition of this right, which leads to restrictive use of the institution. Such a situation raises doubts as to whether the existing legal framework actually achieves its basic purpose, namely, to prevent electricity disconnection in situations where the life and health of the most vulnerable customers would be endangered.

The purpose of the article is threefold: to present the European legal framework of consumer protection systematically, with an emphasis on vulnerable customers and the right to an emergency supply, to analyze the implementation of the European legislation in the Slovenian legal order, and to assess the implementation of an emergency supply in practice critically. Methodologically, the article is based on normative and comparative legal analysis, a review of case law, as well as reports of the national regulator and publicly available data.

The article proceeds from the assumption that the institution of emergency supply in Slovenia is not implemented appropriately; therefore, the discussion identifies key shortcomings, and the conclusion proposes implementation improvements aimed at more effective realization of the rights of vulnerable customers.

## **2        Methodology**

The research is based on qualitative methods, in particular, normative legal analysis and comparative legal analysis. In the normative legal analysis, classical methods of interpretation (linguistic, systematic, and teleological) were applied, to examine the provisions of the European Union law and national legislation in the field of Electricity Supply. The comparative legal analysis served to identify the consistencies and differences between the EU law and its implementation in the Slovenian legal order.

In the empirical part, the article relies on the analysis of the Annual Reports of the national regulator, i.e., the Energy Agency, as well as on the content analysis of case law. In addition, where appropriate, it also includes a descriptive presentation of publicly available data, such as the number of applications and approvals of emergency supply and indicators of energy poverty. These data make it possible to place the research findings adequately in the broader context of the functioning of the electricity market and the protection of final customers.

### **3 Consumer protection in the field of electricity**

The electricity market is a system that encompasses all activities related to the generation, transmission, distribution, and supply of electricity to final users. Within the internal energy market of the EU, it enables the free flow of electricity between Member States, which increases competition, enhances grid stability, and ensures the availability of energy at competitive prices for consumers. Following Slovenia's accession to the EU, Slovenian consumers became part of the EU market with 447 million inhabitants.

Among the participants in the electricity market are also consumers who, due to a lack of knowledge and information, belong to the weakest market participants, and therefore require special protection. Rapid legislative changes often make it difficult for consumers to be informed about their rights properly and to enforce them effectively [1].

The fields of Consumer Protection and Energy fall within the areas regulated by the EU together with the Member States, with legislative competence being shared. If the EU adopts legislation in these areas (e.g., a Regulation or a Directive), the Member States are obliged to comply with it and, where necessary, transpose it into their national legal order. Compared to earlier periods, the EU devotes considerable attention in the field of the electricity market precisely to consumer protection and the more vulnerable groups of customers. A vulnerable customer is a household customer who lacks the means to meet minimum living needs at a level that ensures survival, including electricity [1].

#### **3.1 The concept of final, household, and vulnerable customers**

A final customer is a natural or legal person who purchases energy for their own final use. In point 32 of Article 4 of the ZOEE, it is defined broadly and encompasses household, small business, and business final customers [2].

A household customer of electricity is a customer who purchases electricity for their own use in a household, which excludes use for the performance of commercial or professional activities (e.g., carrying out craft activities, catering, office activities, or other service activities performed as part of a gainful activity). Their rights are

protected by regulations governing the energy market, while they also enjoy consumer rights under the Consumer Protection Act (Zakon o varstvu potrošnikov - ZVPot-1), which, as the fundamental legal act, regulates consumer rights in relation to businesses and against unfair commercial practices, as well as the field of the fair business conduct of companies in relation to consumers. The EZ-2 in Article 4 defines a household customer as a customer who purchases electricity, natural gas, heat, or another energy gas for their own use in a household, which excludes use for the performance of commercial or professional activities [3].

The ZOEE also defines a household customer as a customer who purchases electricity for their own use in a household, excluding commercial or professional activities, with the definition being identical to that in Directive (EU) 2019/944. In defining a household customer in point 22 of Article 4 of the ZOEE, the essential legal element is own use in a household, which equates the household customer substantively with a consumer within the electricity system [2].

The concept of a vulnerable customer is defined in paragraph 1 of Article 33 of the ZOEE (entitled vulnerable customers and emergency supply), which defines a vulnerable customer as a household customer who, due to their financial situation, the share of energy expenditure in disposable income, and other social circumstances and living conditions, cannot secure another source of energy for household use that would entail the same or lower costs for the most basic household use. Paragraph 33 defines the right to an emergency supply further [4].

### **3.2 Development of the EU legislation**

The legal framework of the EU internal electricity market began with the adoption of the first energy package in the period 1996–1998. Directive 96/92/EC<sup>2</sup>, which was part of the first energy package, concerned common rules for the internal market in electricity, and its main objective was the liberalization of the electricity market in the EU, which included the gradual opening of the market and increased competition, while ensuring consumer protection, although it did not address consumer protection specifically [5].

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<sup>2</sup> Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity.

This framework was replaced in 2003 by the second energy package, on the basis of which the market was opened to all business customers in 2004, and the energy market was fully opened in 2007, when the market was opened to all household customers – consumers [6].

Since 2007, household customers have also been able to choose their supplier of electricity or natural gas freely among the providers on the market. The second energy package introduced numerous new concepts focused on strengthening consumer protection, ensuring security of supply, labeling of green energy, etc. The concept of the vulnerable customer also appeared for the first time as a specially protected consumer. Within the framework of the second energy package, the EU Member States were required to ensure a high level of consumer protection, and to adopt appropriate measures to protect vulnerable customers [7].

A turning point in consumer protection in the field of Electricity was the adoption of the third energy package in 2009, which also included Directive 2009/72/EC<sup>3</sup> on common rules for the internal market in electricity [8].

The third energy package focused mainly on consumer protection, imposing on Member States the obligation to define the group of vulnerable customers in the field of Electricity, to expand information to consumers, to establish a single point of contact for consumers, and to set up systems for complaint handling and out-of-court dispute resolution [9].

At this point, it is also necessary to mention Directive 2011/83/EU<sup>4</sup> on consumer rights, adopted in 2011, which provides a broader legal framework for consumer protection in the EU. The Directive defines the concept of a consumer clearly, and its provisions also apply to contracts for the supply of gas and electricity. In the Slovenian legal order, the provisions of Directive 2011/83/EU were transposed initially into the Consumer Protection Act (Zakon o varstvu potrošnikov – ZVPot), and today they are included in the applicable ZVPot-1 [10].

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<sup>3</sup> Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC.

<sup>4</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council.

In 2019, the fourth EU energy package “Clean Energy for All Europeans” was adopted, aiming to accelerate the use of clean technologies, increase market competitiveness, and improve energy efficiency. The fourth energy package strengthened the role of the active customer who can participate in the production, storage, and sale of energy (the so-called prosumer), and introduced new obligations for Member States to combat energy poverty and protect vulnerable groups [11].

The central legislative act of the fourth energy package is Directive (EU) 2019/944, which provides consumers with numerous rights, including the right to choose their supplier freely (Article 4), the right to clear and transparent bills (Article 18), the right to be informed through the establishment of single points of contact (Article 25), the right to out-of-court dispute resolution (Article 26), the right to basic supply (Article 27), while additional measures were also adopted to protect vulnerable customers (Article 28), and to prevent energy poverty (Article 29) [12].

After the fourth EU energy package, additional legislative reforms were adopted, which continue to shape the development of the EU energy policy and enhance consumer protection, such as “Fit for 55” and the “European Green Deal”.

### **3.3 Implementation of the EU legislation in the Slovenian legal order**

The development of energy law in Slovenia began with the adoption of the first Energy Act (Energetski zakon - EZ) in 1999, which established the fundamental legal framework in the field of the energy market. With it, Slovenia began implementing the policy of market liberalization and consumer protection in line with the European guidelines. On this basis, the Energy Agency (Agencija za energijo) was established, assuming the role of the national regulator. The EZ introduced the electricity market and the gradual opening of the electricity market, set the objectives of energy policy, and established rules for consumer protection in the field of Energy [13].

Due to Slovenia’s accession to the EU, the national legislation had to be harmonized with the EU legislation, which led to the adoption of amendments to the Energy Act (EZ-A), which also included new provisions concerning consumer protection. In 2004, the concept of a household customer appeared in Slovenia for the first time, comparable to the definition of a consumer, and protected further through the

provisions of the EZ. The amendment to the Act also introduced the institution of emergency supply, which prevents the operator from stopping the supply of energy below the amount that could endanger the life or health of customers. Measures were introduced to protect consumers in relation to supply contracts and general Terms and Conditions, and the complete opening of the market was envisaged by 2007, when all customers could choose their energy supplier in the energy markets freely [14].

As an EU Member State, Slovenia was also required to implement the changes from the third energy package, which brought extensive reforms in the field of Consumer Protection. These changes required a new regulation of customer protection, the definition of vulnerable customers, the regulation of informing electricity and natural gas customers, and the reshaping of provisions regarding business conditions between suppliers and customers [9].

In accordance with these requirements, a new Energy Act (Energetski zakon - EZ-1) was adopted in 2014, with which Slovenia transposed the third energy package fully, i.e., the content of ten Directives and specific provisions of five EU Regulations. The EZ-1 introduced in the field of Consumer Protection the obligation to inform customers about changes in contractual conditions, prices, and other important information, amended business conditions between suppliers and customers, introduced provisions on out-of-court dispute resolution between household customers and electricity and natural gas suppliers. Article 51 of the EZ-1 also defined vulnerable customers and measures for their protection, thereby implementing Article 3(7) of Directive 2009/72/EC [15].

Following the adoption of the fourth EU energy package, Slovenia had to adopt numerous legislative changes to align its legislation with the European objectives, particularly in the fields of Energy Efficiency and Sustainable Energy Supply. Key changes were introduced through new Acts that replaced the existing EZ-1, which, over the years, had become very extensive and unclear. Thus, the Slovenian legislator dispersed the substance of energy law between several Acts. With the latest major reform of energy law in Slovenia, which resulted from the fourth EU legislative package, Slovenia adopted the Energy Efficiency Act (Zakon o učinkoviti rabi energije - ZURE) of 2020, the Electricity Supply Act (Zakon o oskrbi z električno energijo - ZOEE) of 2021, the Gas Supply Act (Zakon o oskrbi s plini - ZOP) of

2021, the Renewable Energy Sources Promotion Act (Zakon o spodbujanju rabe obnovljivih virov energije - ZSROVE) of 2021, the Heat Supply from Distribution Systems Act (Zakon o oskrbi s toploto iz distribucijskih sistemov - ZOTDS) of 2022, and the new Energy Act (Energetski zakon - EZ-2) of 2024, which, together, replaced the previously valid systemic act EZ-1 of 2014 [2].

The fundamental EU legislative instruments in the field of Electricity Supply today are Directive (EU) 2019/944 and Regulation (EU) 2019/943. These instruments were implemented fully into the Slovenian legal order through the ZOEE, which is also of key importance from the perspective of consumer protection and vulnerable customers in the electricity market. The ZOEE was adopted in November 2021 and amended in 2025 (Amendment ZOEE-A) [16]. The ZOEE introduced important rights for consumers into the Slovenian legal order, as, in its new Chapter 2, which regulates in detail the rights of system users, it provides, *inter alia*, the right to choose a supplier freely, the right to change suppliers easily, and the introduction of dynamic pricing reflecting the market. In addition, the ZOEE granted final customers the right to conclude contracts with multiple suppliers simultaneously, ensured greater transparency of contractual terms and information for consumers, introduced single contact points, and the right to dispute resolution. In Section 3, the ZOEE also defines backup supply, vulnerable customers, and emergency supply [4].

#### **4 Vulnerable customers and emergency supply**

Directive 2009/72/EC, which was part of the third energy package, required Member States to define the concept of a vulnerable customer in the field of Electricity. The Directive highlighted the growing problem of energy poverty, and obliged Member States to adopt measures to protect final customers, particularly the vulnerable ones, to define the concept of energy poverty, and to prohibit the disconnection of electricity for poor customers in cases of endangerment [2].

The EU's normative approach<sup>5</sup> was relatively loose, as it established mainly legal obligations at a general level without a uniform and detailed definition. It required Member States in particular to define the concept of a vulnerable customer in their national legislation and to ensure protection [17].

The protection of vulnerable customers is one of the most important forms of customer protection. The essence of the institution of the vulnerable customer and emergency supply is that a customer who, due to poor financial circumstances, is unable to pay the costs of electricity supply and whose life and health or that of the persons living with them are endangered due to special circumstances (e.g., season, temperature, place of residence, health condition, or other similar circumstances), may apply for a postponement of disconnection and exercise the right to an emergency supply. An emergency supply is a measure that, under certain conditions, postpones the disconnection of electricity, and is intended for extreme cases of endangerment of the life and health of the vulnerable customer.

The emergency supply must be distinguished from the backup supply, which is regulated in Article 32 of the ZOEE, where the operator ensures an uninterrupted electricity supply to those customers whose supply contract has expired due to reasons on the supplier's side, such as illiquidity, insolvency, or other reasons leading to the exclusion of the supplier from the balance scheme [4].

Although the original Energy Act (EZ) did not define the concept of a vulnerable customer explicitly, Article 76 contained a provision that the system operator was not allowed to reduce or interrupt the supply below the quantity which, considering the specific circumstances (season, living conditions, place of residence, financial situation, etc.), was necessary to prevent endangerment of the life and health of the customer and the persons living with them. The costs incurred by the supplier due to such an obligation were covered by the network usage fee [13].

In Slovenia, the concept of a vulnerable customer was first introduced by the Energy Act (EZ-1), which entered into force on 22 March 2014. Article 51 of the EZ-1 stipulated that a vulnerable customer is a household customer who, due to their

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<sup>5</sup> The normative approach means regulating a specific area through legal rules and obligations, whereby, in the case at hand, the EU sets only the general requirements for Member States, while leaving the detailed regulation to the national legislation.

financial circumstances, income, other social circumstances, and living conditions, cannot secure another source of energy for household use that would entail the same or lower costs for the most basic household use. Thus, Article 51 of the EZ-1 effectively implemented the provisions of point 7 of Article 3 of Directive 2009/72/EC and Article 3 of Directive 2009/73/EC, which regulated the field of Natural Gas [18].

The new Energy Act (EZ-2), which entered into force on 8 May 2024, no longer provides a legal definition of vulnerable customers, although it still refers to them in certain places. The concept of a vulnerable electricity customer and the measures for their protection – the right to an emergency supply – are now regulated specifically by Article 33 of the ZOEE, which entered into force on 13 November 2021 and implemented Directive (EU) 2019/944. The concept of a vulnerable natural gas customer is regulated by the Gas Supply Act (ZOP), but this aspect was not part of the research, which focuses solely on the field of Electricity.

#### **4.1 Energy poverty**

The ZOEE in Article 34 regulated energy poverty for the first time. Energy poverty occurs in cases where a household cannot heat or cool its dwelling adequately and cover other energy needs, such as hot water, lighting, and similar. Energy poverty most often affects the most vulnerable groups, such as the unemployed, pensioners, and people with low incomes. Combating energy poverty at the EU level is linked closely to the definition of vulnerable customers and the introduction of appropriate public policies aimed at assisting individuals who, due to limited financial resources, cannot ensure an adequate energy supply and heating [2].

#### **4.2 Analysis of Article 33 of the ZOEE**

Vulnerable customers and emergency supply are today regulated by Article 33 of the ZOEE. Paragraph 1 of Article 33 of the ZOEE defines the concept of a vulnerable customer. These are persons who, due to their financial circumstances, the share of energy expenditure in disposable income, other social circumstances, and living conditions, cannot secure another source of energy for household use that would entail the same or lower costs for the most basic household use. It should be noted

that, according to the definition in point 22 of Article 4 of the ZOEE, only household customers (consumers) can be vulnerable customers [2].

Paragraph 2 of Article 33 further provides that the distribution system operator may not disconnect a vulnerable customer from electricity or limit consumption below the amount or capacity that, given the circumstances (season, temperature conditions, place of residence, health condition, and other similar circumstances), is necessary to prevent endangerment of the life and health of the customer and the persons living with them. The main objective is, therefore, the protection of the goods of life and health, with the key expression being “endangerment of life and health” [17].

This provision is special in relation to paragraph 1 of Article 33, and understanding its content depends on when the life and health of the customer and persons living with them are endangered, which involves medical aspects, and must be assessed in each individual case. Endangerment of life and health occurs in particular during the winter months, when the temperature in the dwelling remains below 10 °C for several hours, which usually happens in most residential buildings that are without heating for several days. According to the Annual Reports of the distribution system operator SODO and the Energy Agency, the institution of emergency supply is used only exceptionally in practice, while data from the Statistical Office of the Republic of Slovenia (SURS) show that household energy poverty in 2024 was as high as 7.3%, which indicates a discrepancy between the legal provision of Article 33 of the ZOEE and actual practice. The reason for this may also lie in the fact that the approval of the right to an emergency supply and the cost burden of emergency supply are transferred to the distribution system operator, who has an interest in keeping costs as low as possible [2].

Paragraph 5 of Article 33 provides explicitly that the cost of the emergency supply in the field of Electricity is an eligible cost of the electricity distribution system operator [4].

Paragraph 3 of Article 33 provides further that the distribution system operator must inform the customer prior to disconnection of the possibility of emergency supply, of the evidence that the customer must submit to the operator in order for the operator to approve the emergency supply, and of the deadlines for submitting such

evidence. The operator prescribes more detailed conditions and the price of the emergency supply, which covers the cost of energy procurement, in the System Operating Instructions under Article 136 of the ZOEE in accordance with the rules and criteria prescribed by the Energy Agency [4]. The implementing regulations of Article 33 of the ZOEE are thus the System Operating Instructions for the Electricity Distribution System (Sistemska obratovalna navodila za distribucijski sistem električne energije, SONDSEE) and the Act of the Energy Agency on the Criteria and Rules for Ensuring Emergency Electricity Supply (Akt o kriterijih in pravilih za zagotavljanje nujne oskrbe z električno energijo Agencije za energijo). The eligibility for an emergency supply is assessed by the electricity distribution system operator under the procedure laid down in the SONDSEE and in accordance with the rules and criteria determined by the Energy Agency [4, 19]

The Act of the Energy Agency on the Criteria and Rules for Ensuring an Emergency Electricity Supply sets out the criteria and rules on the basis of which the distribution system operator prescribes in detail the conditions for ensuring the emergency supply and the price of the emergency supply in the System Operating Instructions. The Act consists of five chapters, covering the general provisions, the criteria for assessing eligibility for the emergency supply, the rules and the procedure for approval of the emergency supply, the costs of the emergency supply, and the final provision. In assessing eligibility for an emergency supply, the distribution system operator must first establish whether the applicant is a vulnerable customer, and then, on the basis of the evidence, assess whether disconnection of electricity would endanger the life and health of the vulnerable customer. A vulnerable customer may exercise the right to an emergency supply only in the case where the distribution system operator would otherwise disconnect them because the supplier terminated the supply contract, or due to non-payment of network charges [20].

Since the distribution system operator has no authority to verify the financial situation of the customer, this is carried out within the procedure for eligibility for regular social assistance at the Social Work Center. The endangerment of the life and health of the vulnerable customer is assessed by the distribution system operator on the basis of the Act according to two criteria:

- during the heating season from 1 October to 30 April, on the basis of evidence of heating in the customer's dwelling, from which it must be clearly apparent

whether electricity is necessary for heating (criterion 1: season, temperature conditions);

- on the basis of a medical certificate that the vulnerable customer needs medical devices or equipment powered by electricity urgently in order to preserve life and health (criterion 2: health condition of the vulnerable customer and the persons living with them) [20].

Furthermore, paragraph 4 of Article 33 of the ZOEE provides that, if the distribution system operator finds that the conditions for emergency supply are met, it must immediately inform the customer and submit a contract on emergency supply for signature. If the distribution system operator concludes that the conditions for emergency supply are not met, it must notify the customer in writing immediately and proceed with the disconnection [4].

Disputes concerning eligibility for an emergency supply are decided by the Energy Agency under the dispute resolution procedure provided by the Act regulating the agency, i.e., the EZ-2. If the conditions for an emergency supply are met, the distribution system operator is therefore subject to a duty to contract – the obligation to conclude a contract when the conditions are fulfilled. As a holder of public authority, the distribution system operator issues a declaratory decision in this respect [2].

#### **4.3 Case law in the field of Emergency Supply**

Case law regarding vulnerable customers is still scarce. In the decision of the Higher Court in Maribor (Višje sodišče v Mariboru), case no. I Cp 995/2018 of 4 December 2018, it was established that the distribution system operator may not disconnect a vulnerable customer who does not have a valid electricity supply contract if the conditions for emergency supply of electricity are met under the (then applicable) Article 51 of the EZ-1. It is also essential that the customer submits a timely request for emergency supply and provides the necessary supporting documents, such as a medical certificate regarding the use of medical devices. Case law emphasizes the obligation of the distribution system operator to inform the customer duly about the possibility of claiming an emergency supply and to request the necessary documentation. If the customer does not file the request in time, the disconnection is not unlawful. Furthermore, the emergency supply is limited to the period between

the planned disconnection and the final decision on social assistance. In this particular case, the court confirmed that the distribution system operator did not act unlawfully when disconnecting the electricity, since the customer failed to exercise the right to an emergency supply in a timely manner [21].

In contrast, the judgment of the Higher Court in Ljubljana (Višje sodišče v Ljubljani), case no. I Cp 2918/2017 of 30 May 2018, held that the concept of a vulnerable customer does not include persons who are not connected to the electricity grid legally, such as residents of illegal constructions. The right of access to the network is conditional upon compliance with the technical and ownership requirements, as stipulated by Articles 147 and 149 of the EZ-1. The court stressed explicitly that the special rights claimed by members of the Roma community in relation to access to electricity in illegal buildings cannot prevail over the constitutional right to safety and the technical reliability of the electricity system. Therefore, the legislation does not allow exceptions for illegal connections, which represents a significant limitation in the protection of vulnerable groups. In this case, the court rejected the claim for the right of access to the electricity grid for an illegal construction, and confirmed that the rights of a vulnerable customer do not extend to unlawful connections [22].

#### 4.4 Emergency Supply in Practice

Data from the Annual Reports of the Energy Agency on the state of the energy sector in Slovenia show that the institute of emergency supply is applied extremely rarely in practice. The Agency's reports indicate that a request for the approval of emergency supply in Slovenia was granted only once, namely, in 2019. Data on the number of approved requests for emergency supply prior to 2009 are not available publicly [23].

In 2019, the electricity distribution system operator received five requests for the approval of emergency supply, of which one was granted. In 2020, the operator received two requests, both of which were rejected; in 2021, one request, which was also rejected; in 2022, four requests, all rejected; and in 2023, again four requests, all rejected, with one applicant actually disconnected in that year [23–27].

In 2024, the operator received three requests, none of which were approved, despite official data from the Statistical Office of the Republic of Slovenia (SURS) showing that the energy poverty rate among households in Slovenia in 2024 was as high as 7.3% (approximately 63,000 households, or 110,000 individuals) [28].

It is also important to highlight that the Annual Reports of the electricity distribution system operator (SODO) for the period 2013–2022 indicate that not a single emergency supply was granted during this time, which demonstrates an inconsistency between the publicly available data [29–38].

While SODO's reports for the period 2013–2022 state that no emergency supply was approved, the Energy Agency's report for 2019 shows that one request was granted for an emergency supply. For the purposes of this analysis, we therefore proceed from the assumption that one emergency supply was approved in 2019.

## 5 Conclusion

In legislation, emergency supply is embedded within the broader framework of measures for supply reliability and the protection of vulnerable customers, representing one of the most important forms of consumer protection. In principle, it is intended to safeguard households in specific living or health conditions, where the interruption of the electricity supply would endanger health or basic living conditions. In practice, however, the exercise of this right is often limited significantly, and conditional upon strict requirements and evidence (e.g., Social Work Center confirmation, season and temperature conditions, and the health status of the customer and household members), as stipulated in the System Operating Instructions for the Distribution System of Electricity (SONDSEE) and the Act on Criteria and Rules for Ensuring Emergency Supply of the Energy Agency, which, together, constitute the implementing regulations in the field of Emergency Electricity Supply.

This creates a discrepancy between the legal framework, which recognizes special protection for vulnerable customers, and its actual implementation in practice, where the eligibility threshold for emergency supply is set extremely high and the procedures are burdensome for customers. Consequently, it can be concluded that the implementing regulations, by establishing additional, stricter rules and criteria,

narrow the rights defined in the law significantly, since, according to the available practical data, it is extremely difficult, or even impossible, to meet these requirements. As a result, the implementing regulations and their practical application do not provide vulnerable customers with the protection granted to them by law [17]. If the previously valid provision of Article 51 of the EZ-1 and the currently valid provision of Article 33 of the ZOEE are not applied in practice, this represents a deviation from the principle of legal clarity and certainty, as well as from the principle of legality, which requires authorities to act in accordance with and enforce the applicable law.

This discrepancy is also reflected in the data of the Energy Agency, which shows that, in Slovenia from 2009 to the present, only one customer was granted an emergency supply, namely, in 2019. Even more concerning is the fact that each year only a small number of household customers apply for the right to an emergency supply, despite the relatively high level of energy poverty among Slovenian households. This also points to a lack of consumer awareness and understanding of their rights, which, in practice, hinders the effective exercise of the intended protective mechanisms further.

Recent legislative regulation in Slovenia does preserve and build upon the principles of social cohesion, transparency, and the protection of vulnerable customers. However, the statistics on rejected applications for emergency supply and warnings from practice show that implementation challenges remain, since we have a legal provision that does not function in practice. Normative regulation without adequate implementation cannot achieve its purpose, which is to prevent households facing health or living risks from being left without electricity. For the effective operation of the emergency supply mechanism, clear and practical criteria, simpler procedures for exercising the right to an emergency supply, and consistent alignment between the law, implementing regulations, and operational decision-making, are therefore essential. Furthermore, consumers - especially the most vulnerable - should be better informed about the existence and content of their rights, as the lack of information contributes significantly to the ineffective enforcement of protections.

It is essential that the provision of Article 33 of the ZOEE be implemented in practice effectively and not remain merely theoretical. For this reason, it would be advisable to introduce certain legislative changes aimed at ensuring the more effective realization of the rights of the most vulnerable customers in practice.

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#### Povzetek v slovenskem jeziku

**Varstvo potrošnikov na trgu z električno energijo v Evropski uniji in Sloveniji: ranljivi odjemalci in nujna oskrba.** Članek obravnava varstvo potrošnikov na trgu z električno energijo s posebnim poudarkom na ranljivih odjemalcih in pravici do nujne oskrbe. Na ravni Evropske unije prikazuje razvoj od energetskih zakonodajnih svežnjev do Direktive (EU) 2019/944, ki krepi pravice odjemalcev ter državam članicam EU nalaga opredelitev in zaščito ranljivih skupin. Pojem ranljivega odjemalca in institut nujne oskrbe na področju električne energije v Sloveniji ureja 33. člen Zakona o oskrbi z električno energijo (ZOEE), njegova izvedba pa poteka prek sistemskih obratovalnih navodil (SONDSEE) in akta Agencije za energijo o kriterijih in pravilih za zagotavljanje nujne oskrbe. Metodološko članek uporablja normativno in primerjalno-pravno analizo, pregled letnih poročil Agencije za energijo ter vsebinsko analizo sodne prakse. Ugotovitve kažejo na razhajanje med zakonsko ureditvijo instituta nujne oskrbe in izvedbo v praksi, saj je bila v Sloveniji odobrena le ena zahteva, in sicer leta 2019. Članek zato predlaga oblikovanje jasnejših in življenjsko naravnanih kriterijev, poenostavitev postopkov ter učinkovitejše obveščanje potrošnikov, zlasti ranljivih skupin, da bi se pravica do nujne oskrbe dejansko uresničevala v praksi.

