


Energy and the social contract: From “energy consumers” to “people with a right to energy”

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Funding information

Babes-Bolyai University; European Cooperation in Science and Technology, Grant/Award Number: CA16232; Bundesministerium für Wirtschaft und Klimaschutz, Grant/Award Number: 03EI5230A; HORIZON EUROPE Marie Skłodowska-Curie Actions, Grant/Award Number: 752870; Ministerio de Ciencia e Innovación, Grant/Award Number: RYC2020-029750-I; EEA Norway Grants, Grant/Award Number: 2022/346711 ENERTOWN

Abstract

Throughout the last decade, the goal of acknowledging and alleviating energy poverty has made its way to the core of energy policies across the world, including the high-standing SDG7 as a benchmark. While much debate is still devoted to conceptual and empirical clarifications, its measurement through indicators, or the appropriate policies aimed at tackling it, there is widespread acceptance that energy poverty impacts tens of millions of lives across Europe and beyond. More recently, energy poverty has been deepened by a succession of international crises. We argue that the responses currently enacted to address energy poverty, in the context of these overlapping crises, point to a more profound problem that pre-existed the crises and reflects the current paradigm for household energy access. In this article, we aim to tie some of the loose ends in debates around the right to energy. We address some essential underpinnings of a rights-based approach to energy, by connecting existing narratives to the broader scope of the social contract, used as a concept which bears implications on the social and economic arrangements emphasized by the fundamental pillars of SDGs. We argue that, because energy markets are highly sensitive to instability and crisis contexts, there is a need to shift the paradigm from energy as a commodity purchased by consumers from markets towards energy as a right of people living in modern political communities, and tailoring energy policies around the right to energy.

KEYWORDS

energy, energy crisis, energy poverty, European Union, international law, market, social contract, sustainable development, sustainable development goals

1 | INTRODUCTION AND JUSTIFICATION

Throughout the last decade, the goal of acknowledging and alleviating energy poverty has made its way to the core of energy policies across Europe and beyond. Complementary, cumulative, cross-country datasets, show that energy poverty is pervasive in people's daily lives (Jigla et al. (2023) for a focus on Europe, Haldar et al. (2023) for a focus on sub-

Saharan Africa). While much debate is still devoted to conceptual and empirical clarifications, its measurement through indicators, or the appropriate policies aimed at tackling it, there is widespread acceptance that energy poverty impacts tens of millions of lives across Europe and beyond. Internationally, UN Sustainable Development Goals, and particularly SDG7, stand out as the highest-level policy principles setting a target for achieving universal access to sufficient, reliable, affordable

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and sustainable modern energy services by 2030. It responds to the global challenge represented by 675 million people lacking access to electricity and the 2.3 billion now relying on traditional fuels (e.g., firewood, dung, and charcoal) for cooking and heating (IEA et al., 2023). As they call for the integration of the three pillars of sustainable development, notably the economic, social and environmental, and being a document of international “soft” law grounded in the Universal Declaration of Human Rights, the SDGs provide an appropriate framework to explore how energy poverty is approached by complex international bodies such as the European Union (EU), on which this paper focuses.

Our premise is that energy poverty, defined by Bouzarovski and Petrova (2015, p. 31) as “the inability of a household to attain a socially and materially necessitated level of domestic energy services,” has been deepened by a succession of international crises. The Covid-19 pandemic, with extensive lockdowns and quarantine periods, has increased energy needs inside households, while many were faced with unemployment or lower incomes, placing a double burden on household budgets. The end of 2021 added a third layer in the form of sharp increases in prices for fuels used for heating and electricity production. Beginning in early 2022, the war in Ukraine increased the European energy price crisis and laid bare a new geopolitical reality that will impact European energy prices in the short and long term. These crises have triggered multiple reactions from national governments—and, in Europe, from the EU—to ensure that households have affordable, continuous, reliable energy access by capping fuel prices, regulating tariffs, supplying free or subsidized energy, banning disconnection, or through financial assistance and tax reductions (Hesselman et al., 2021). A common trait of all these measures has been their reactive and temporary nature. They were all ex-post interventions, largely based on short-term assessments of people's needs, and with little involvement from citizens. These intersecting crises led the EU to conclude that the EU's internal energy market needs some fundamental reforms to be able to develop sustainably and ensure the *just* energy transition.

We argue that the various responses currently enacted to address energy poverty in the context of these overlapping crises point to a more profound problem that pre-existed the crises and reflects the current paradigm for household energy access. Energy is largely seen as a tradeable commodity, a private good or service covered mostly by private contracts. Energy supply is to a large extent governed by market-mechanisms, with an emphasis on deregulation especially across Western countries, so as to increase competition. In the EU, the current crises created a context for rethinking the design of the energy markets, but the outcome of this thought process has not yet pointed to deeper or fundamental reforms. We further argue that a shift in paradigm is essential in the current context of the just energy transition. The notion of just transition implies that burdens and benefits are justly shared, as acknowledged by EU's political slogan “no one will be left behind,” by SDG13, or by SDG1 which promotes the principle of equality.

As we will show, principles such as universality, “rights of consumers,” meeting needs relative to human nature, and citizenship have made their way into legal documents and are already shaping public policies. At the community level, wide international networks, rooted in civil society or academia, also advocate for a right to energy—such as, at

the EU-level, the Brussels-based “Right to Energy Coalition” that brings together a range of civil society organizations with the aim “to tackle energy poverty at an EU, national and local level.” Nevertheless, besides the absence of important political ingredients needed to make such decisions, we attribute the lack of enactment of a right to energy in practice, to a lack of a more robustly formulated theoretical framing and to a better contextualization of its premises. A clearer rationale for the right to energy would build a more meaningful base for advocacy efforts and more legitimacy for policies aimed at ensuring people's access to energy. This base can be found, *inter alia*, in the notion of the SDGs that “the dignity of the human person is fundamental” and that “universal respect for human rights and human dignity” as well as “rule of law, justice, equality and non-discrimination” are vital for delivering upon global development goals for all (UN, 2015).

The aim of this article is to tie up some of the loose ends we have noticed within debates around the “right to energy” in literature and practice. In particular, we address some essential underpinnings of a rights-based approach to energy by connecting existing narratives and practices to the broader notion of the “social contract.” The choice for this conceptual lens is based on our understanding that sustainability policies are located at the crossroads of economic and social arrangements, which are shaped by understandings and interpretations of the social contract, with direct implications for both humans and environmental outcomes. While many of our points can be made about democratic, market economy contexts generally, we will place an emphasis on the EU and EU Member States, as we argue that the EU's design and capacity to establish principles that drive national policies for its members are very well suited to ensure a decisive step towards enshrining the right to energy into laws, policies, and practice, building on already existing advancements made through internal EU regulations in the field of energy policy.

With these goals in sight, we first aim to challenge the perception of energy as a tradeable commodity and to reconceptualize energy primarily as an essential feature of modern human living and of membership in modern political communities. We will do so by referring to the concept of (human) *dignity* and by mentioning how energy is essential to the enactment of already *established rights*, as well as to attain the goal of *justice*, a conceptual framework derived from SDG rationale. We then analyze some of the key international and EU legal texts governing people's access to energy) which show that significant steps towards this paradigm shift have already been made, even if the “consumer” paradigm still prevails (see Appendix A). On these premises, we argue that the decisive conceptual step towards actualizing the right to affordable, modern, sustainable energy for all can be made by expanding the scope of the social contract to cover energy needs and energy provision. Finally, we argue that, because energy markets are highly sensitive to instability and crisis contexts, there is a need to shift the paradigm from energy as a “commodity purchased by consumers from markets” towards “energy as a right of people living in modern political communities,” and to tailor energy policies around the right to energy. We conclude by acknowledging some of the challenges in the design of policies that would enact a right to energy.

2 | WHAT IS ENERGY AND WHY IS IT IMPORTANT?

Energy use by humans refers to our abilities, tools, and systems to extract, produce, generate, and convert energy sources into meaningful uses of energy that we desire or “need” to live our lives as humans (Smil, 2017) or to meet basic human needs and social and economic development (Edenhofer et al., 2011). This implies ability to use a range of energy services, such as heating/thermal comfort, food preparation, artificial illumination, mechanical power, and electricity for digital communication (Rehfuess & WHO, 2006; UNDP, 2005). In modern societies, energy is associated with dignified, healthy, safe, and prosperous human lives and the realization of basic human capabilities (Day et al., 2016). From the value and ethics-based perspective of energy humanities, Boyer and Szeman (2017) regard energy as a fundamental ingredient of modern societies, but consider the ways it is used and produced as key elements of anthropogenic climate change. From an anthropological perspective, Dagget (2019) considers the relation between energy and labor relations within communities since the Industrial Revolution until today, claiming that overconsumption of fossil fuels has been culturally associated to quality of life and arguing for “new energy systems” and “new energy cultures,” which would move energy into a new paradigm that would reconcile modern, “pleasurable” living standards with the climate agenda.

According to international law, states have agreed that they each enjoy “permanent sovereignty” of the natural resources that can be found on their territories. Moreover, all peoples are granted the right to “freely pursue their economic, social and cultural development” and “for their own ends, freely dispose of their natural wealth and resources” and not be “deprived of their own means of subsistence” (UN, 1966, art. 1). Based on the philosophical lens of the social contract theory, which we will address in more depth later, the “state” represents its “people” as a whole.

In states which have developed their economies on capitalist, market-oriented grounds, energy has been commodified and the control over extraction, processing, and distribution of energy has been deferred to private market actors, for example by licensing natural resources to private energy investment companies and by privatizing energy markets¹ (Alam et al., 2018; Bungenberg & Hobe, 2015; Dam-de Jong, 2021; Huhta, 2021; Redgewell, 2021; Tyagi, 2015). This has generated a power relation which has left “people”—as citizens, members of the political community emerging based on the social contract—virtually dependent on the market for their access to energy. Yet this dynamic occurred at the same time with the increasing importance of energy in everyday life in modern societies, acknowledged and placed directly in connection to wellbeing of people and the alleviation of poverty by international benchmarks and calls to action, such as SDG 7, which calls for “affordable, reliable, sustainable and modern energy for all.”

¹We are aware some countries have retained sovereign control over their energy resources and that is not implicitly associated with better management or better access to energy for their people. The example of Venezuela and of former communist regimes in Eastern Europe are telling in that sense. Lindner (2022) also points to the type of regime and to the role of both state and corporate elites in the extent to which energy is used for political patronage.

2.1 | Energy for a dignified life

The concept of dignity, clearly underpinning the SDG agenda as well, is a concept with both a strong normative background and deep empirical implications. Stemming from the Latin “dignitas” (worthiness), dignity is regarded as the moral status of a person in society (Forst, 2011). For centuries, dignity marked an elevated status of some people in a given society (status dignity) and only in the 20th century the idea of a universal worth of all people without exception (universal dignity) spread globally (Debes, 2017). Habermas (2010, p. 466) argues that human dignity “is the moral “source” from which all of the basic rights derive their meaning.” In a modern philosophical understanding, dignity is not to think of needs, ends or conditions, “but of social relations, of processes, interactions and structures between persons, and of the status of individuals within them” (Forst, 2011; see also Groves et al., 2021).

Beyond its meaning as a philosophical category, developed and debated over centuries, dignity is also encountered as a basic value enshrined in national and international law, building on the Universal Declaration of Human Rights with its prominent Article 1, stating that “all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood” (UN, 1948). On this basis, dignity becomes a goal of political practice, used especially by global calls to action such as the SDGs, which bear the same universal character through the emphasis on “all” and by social movements making claims with a collective focus, as it is the case with the movements pursuing the implementation of a right to energy.

In practice, dignity can be further specified in three core dimensions, (1) public respect and recognition of each human person, (2) self-respect, a sense of one's own worth, and (3) self-determination and participation (Grossmann & Trubina, 2022). The claim for a right to energy builds on the premise that the energy system, as it is currently organized around energy as a tradable commodity, violates all these three dimensions. First, it is not sufficiently recognized that that energy systems do not ensure reliable and sufficient access to energy for all, and as such deprives some people of living the life “they have reason to value” and morally may be entitled to Day et al. (2016) and Frigo (2017). Second, the literature on the lived experiences of energy poor documents an abundance of dignity violations (Grossmann & Trubina, 2021). The presence of disrespect, shame, and dependence instead of self-determination has been documented in research on energy poverty, often describing the feelings of those who cannot afford to pay their bills (Meyer et al., 2018), or experience power cut-offs, and, consequently, avoid social contact because of their cold, dark or damp homes. Third, when reaching out for support and solutions, people report feeling inferior and helpless when facing companies and institutions (Grossmann et al., 2021). Moreover, the policies aimed at addressing energy poverty may be built on principles which violate the dignity of those who they address, in line with Forst (2011), who argues that poverty relief payments (often at the core of minimum income schemes, which we address later on) may address material needs, but they may “treat the ‘needy’ in a condescending manner” and thus be “no less degrading than poverty itself.”

2.2 | Energy as enabler of established human rights

In national, regional, and international legal systems, it is already established that several existing human rights can be interpreted in ways that touch on the question of access to energy. The human right to life and to physical and mental health can be threatened by the absence of energy, as stated by EU's Electricity Directive (European Commission, 2019), in connection to EU Charter on Fundamental Rights (EU, 2012a, 2012b, 2012c; see also Bradbrook et al., 2008; Hesselman et al., 2022; Thomson et al., 2016; Tully, 2006). Energy (electricity) is further acknowledged as necessary for the operation of vital health equipment or assistive devices or for preserving medicine and food. It is equally vital for the exercise of civil and political rights, for one's free expression and opinion, access to information, public participation, or access to (quality) education, as argued by the capabilities approach (Nussbaum, 2003; Sen, 1992). In modern societies, these depend largely on access to digital environments, including the Internet, TV, radio or other digital technology which rely on energy to function (Hesselman, 2023; Hesselman et al., 2022).

A relevant related perspective in international human law acknowledges housing as a basic need, that is, as a “third skin” after clothing, as a safe base for physical and emotional shelter from which to engage with the outer world and society at large (Balmer & Bernet, 2022; Domurath & Mak, 2020; Kenna, 2012). A home, then, is not just a roof over one's head: it needs certain spatial and material qualities to properly fulfill its function as a dwelling and energy plays a vital role in ensuring the appropriateness of living conditions. In this regard, the “human right to adequate housing” as included in the 1966 UN's International Covenant on Economic, Social and Cultural Rights (ICESCR) most clearly encompasses claims for access to energy services (UN, 1991). This right has been interpreted as implying a right to live “somewhere in security, peace and dignity,” with access to “certain facilities essential for health, security, comfort and nutrition” (UN, 1966). This includes energy for cooking, lighting, heating and other purposes (UN, 1991, para. 7). As recently noted by the United Nations Special Rapporteur on the Right to Adequate Housing, the COVID-19 pandemic especially revealed that “having a functioning home—with running water, electricity, heat and Internet—is a matter of survival and therefore a key aspect of the right to adequate housing” (UN, 2020, para. 20).

Such approaches rooted both in international legal language and in scientific literature, bring housing and energy under the same roof by making energy a constituent of adequate housing. The right to energy is therefore understood as a derived or derivative right, that is, a right that is necessary for protecting or satisfying existing basic rights, which are the ones directly related to the protection or promotion of a human need such as the right to life, to health, to non-discrimination or to adequate living standards. Thus, from a universal human rights perspective, the right to energy may derive from housing as a basic right and enable the proper implementation of the latter (Löfquist, 2020; Tully, 2006). However, the right to energy has also been associated with a broad range of other existing rights so far and the development and recognition of a stand-alone right to energy is

viewed as a necessary next step because it would capture and articulate in a more direct manner the various purposes of energy services access in modern societies (Hesselman, 2023).

2.3 | Energy and commoning as enablers of justice

The energy justice literature has engaged with the notion of a right to energy since its emergence as an explicit research agenda in the early 2010s, at the crossroads of activist and scholar traditions of social, environmental and climate justice (Bickerstaff et al., 2013; Bulkeley & Fuller, 2012; Goldthau & Sovacool, 2012; Guruswamy, 2010; Walker & Day, 2012). At first glance, it refers to the unequal distribution of the burdens and benefits involved in the provision and consumption of energy services (Sovacool & Dworkin, 2015). More consistently, energy justice is conceptualized along the three tenets of social justice: unfair distribution of energy burdens and benefits; improper recognition of the needs and capabilities of populations affected by the functioning of energy supply chains; and inadequate procedures to have their views and demands incorporated into decision-making (Jenkins et al., 2016; Walker & Day, 2012). A fourth tenet—cosmopolitan justice—has been subsequently added to signal that energy justice principles universally apply to all human beings—as each person is a subject of right with an equal moral worth—regardless of borders and nations (McCauley et al., 2019).

Advancing towards a claim for a right to energy, energy justice literature follows the same derivative rights approach, according to which, “if any of the basic goods to which every person is justly entitled can only be secured by means of energy services, then, in that case, there is a derivative right to the energy service” (Sovacool et al., 2013, p. 46). Similarly, LaBelle (2017, p. 615) speaks of “the centrality of energy as a basic right, underpinning health, economic advancement and education” while emphasizing the duty of the state to secure access to energy resources (see also Brugger, 2016; Löfquist, 2020). Similarly, Cipler (2021) places energy justice at the crossroads of economic, environmental, and social rights.

Yet, the concrete meaning of a “right to energy” is debatable as it may have various specifications (e.g., is it a right of access or a right to use energy? a right to energy sources or services?) dependent on contextual understandings of what energy is and what it is for, challenging the alleged universality of a human right to energy (Hesselman, 2022; Walker, 2015). As a way out of this dilemma, Frigo et al. (2021) have put forward a universal capabilities approach-based human right to access necessary energy services. This definition potentially accommodates a broad range of “native” understandings of energy services as a material precondition for people's freedom to achieve what they value doing and being as well as the conditions to reach and preserve human dignity, regardless of specific environmental conditions and socio-cultural contexts. In other specifications, the right to energy encompasses the whole production-consumption continuum (Hernández, 2015).

Along the same lines, energy is increasingly approached as a common, both from normative and empirical perspectives, providing an

alternative conceptualization to the traditional energy system. Since Ostrom (1990), commons conceptualizations have expanded from a type of good to more dynamic conceptions of commoning, understood as sociopolitical *instituent praxis* (Laval & Dardot, 2019) that could constitute new institutions and transform the existing ones. Commoning practices in the energy sector imply the democratization processes within the energy system, as a set of transformative practices and arrangements, with the capacity to remodel both the public and the private sphere and the interaction between citizens, public institutions, and market actors (Baker, 2018; Becker et al., 2017; Giotitsas et al., 2020, 2022). Energy commons are based on the principle of participation of communities in the decision-making process and the management of energy systems, which contributes to the realization of the right to energy both from an individual and collective perspective. However, previous research shows that energy cooperatives, the most frequent embodiment of commoning in energy, designed to operate in a market context or as an alternative to the market, fail to involve and address the energy poor (Hanke et al., 2021).

This section illustrates how the narrative of a right to energy is crosscutting across multiple bodies of literature, with some authors explicitly stating it and others bringing implicit supporting arguments. Moreover, the right to energy is conceptualized not only in abstract terms, but has increasingly acquired a consistent empirical dimension both in scientific literature, and in international law. The following section chiefly discusses EU law and governance as a way of showcasing how a paradigm shift towards “energy as a human right” may already be underpinning new policy developments aimed at a more sustainable future that meets both environmental and modern human needs. The following sections also place these developments in a broader context of the literature on the social contract, used as a concept which bears implications on the social and economic arrangements emphasized by the fundamental pillars of SDGs.

3 | EU ADVANCEMENTS TOWARDS A RIGHT TO ENERGY AND EXISTING LIMITATIONS

3.1 | EU normative narratives point towards a right to energy, yet markets are still central to energy policy

At the EU level, the concept of “services of general economic interest” refers to essential services, such as gas and electricity, that are directly associated with key “social values” for European society. According to the European Commission (2011) “services of general economic interest” (SGEI) are those “economic activities that deliver outcomes in the overall public good that would not be supplied (or would be supplied under different conditions in terms of objective quality, safety, affordability, equal treatment or universal access) if they were left completely to the market without any public interventions.” Article 14 of TFEU additionally acknowledges that SGEI occupy an important place in “the shared values of the Union,” and therefore, such services must “operate on the basis of principles

and conditions [...] which enable them to fulfil their missions” (Hesselman, 2023; Houben & ten Oever, 2017).

As part of the energy market liberalization process in the EU, the Commission has stated that the “highest possible standards of public service” must exist in the EU. To this effect, it proposed a non-binding European Charter on the Rights of Energy Consumers in 2007 (European Commission, 2007a), which was to affirm that adequate energy provision “constitutes one of the key elements towards achieving citizens’ successful participation in social and economic life”: when individuals are cut off from electricity, they are cut off from society. As part of such high standards, the European Commission emphasized the need for a “universal right” to be supplied with electricity, enough to meet “basic needs at reasonable, easily and clearly comparable and transparent prices” (European Commission, 2009). It also emphasized adequate protection for “the most vulnerable European consumers who are not able to protect themselves”; and more attention to “tackling energy/fuel poverty.” In 2006, the Commission also stated that “energy consumers with special needs owing to impairments” or those in a “poor financial situation should benefit from essential energy services to maintain their physical and mental health and well-being, at reasonable prices or, where necessary, free of charge” (European Commission, 2007b, emphasis added).

The Charter provisions did not fully materialize (Hesselman, 2023), but several of these key concepts helped shape the design of the EU energy market since then. For example, the recently revised “Electricity Directive” ((EU) 2019/944) acknowledges that “energy services are fundamental to safeguarding the well-being of the Union citizens. Adequate warmth, cooling and lighting, and energy to power appliances are essential services to guarantee a decent standard of living and citizens’ health. Furthermore, access to those energy services enables Union citizens to fulfill their potential and enhances social inclusion” (emphasis added). In March 2023, the European Commission proposed a new set of amendments, largely in response to the energy price crisis that started in fall 2021 and amplified after the war in Ukraine began. These acknowledge that “[p] articular groups are more at risk of being affected by energy poverty or more susceptible to the adverse impacts of energy poverty, such as women, persons with disabilities, older persons, children, and persons with a minority racial or ethnic background” (European Commission, 2023). They also propose that all Member States provide protection against electricity disconnections and take both short and long-term measures to support vulnerable consumers. Moreover, they accept that, whilst public interventions in price setting for the electricity supply will constitute a “market-distortive measure,” regulated prices will be possible under certain conditions as public service obligations “for energy poor and vulnerable households, including below costs” (Hesselman, 2023).

From a perspective of environmental sustainability, Regulation (EU) 2018/1999 on the Energy Union and Climate Action places at the core of the EU “ambitious climate policy” the need to ensure access to “secure, sustainable, competitive and affordable energy” for households and businesses. The Regulation also demands that all Member States “assess the number of households in energy poverty taking into account the necessary domestic energy services needed to guarantee basic standards of living in the relevant national context,

existing social policy and other relevant policies, as well as indicative Commission guidance on relevant indicators for energy poverty” (Article 3(3)d, emphasis added) (European Union, 2018).

Aside from increasing references to energy poverty in various pieces of legislation and policy, there is also a clear trend in the EU of using fundamental rights language in relation to energy access. Perhaps most importantly in terms of strength of language used, Principle 20 of the EU Pillar of Social Rights states that “everyone has the right to access essential services of good quality, including water, sanitation, energy, transport, financial services, and digital communications. Support for access to such services shall be available for those in need” (European Commission 2017). Further reference to SGEI is found in the binding 2009 EU Charter of Fundamental Rights and legislative proposals tie protection of fundamental rights under the charter to legal provisions on “consumer empowerment, rights and protection.” Nevertheless, the operationalization and implementation of (rights to) SGEI continue to fall within the scope of Member States mostly. According to Article 36 of the Charter, access to SGEI is a fundamental right within the EU. Yet, rather than granting an enforceable right to citizens, Article 36 mostly endorses the policy space of EU Member States to take national measures to safeguard access to SGEI on their territories as they see fit. This is in line with Article 1 of the binding Protocol No. 26 on SGEI, tied to Article 14 of the TFEU, which speaks of the need to ensure “a high level of quality, safety and affordability, equal treatment and the promotion of universal access and of user rights,” and endorses “the essential role and the wide discretion of national, regional and local authorities in providing, commissioning and organizing services of general economic interest as closely as possible to the needs of the users.”

This paves the way for a major shortcoming in EU energy policy, which is the large measure of discretion that is left to EU Member States to design protection for energy poor or vulnerable households locally, or for their citizens more generally, as well as the lack of subsequent monitoring of the quality of these policies and the extent to which they fulfill their mission of implementing the EU-established policies, goals and rights. A further shortcoming is that, while EU law and policy increasingly uses words such as “citizens,” “households,” or “all,” it also still heavily reverts to the concepts of “consumers,” or “customers.” This essentially prioritizes the role or position of people as market actors rather than as members of the society. Furthermore, the continued conceptualization of SGEI as economic activities means that market principles are prioritized. Markets remain at the forefront of energy policies, whereas states are maintained in a reactive position, to help, aid or assist poor “consumers” in “emergency situations.” Vulnerable consumers are seen as people who have difficulties benefitting from or participating and coping in their interaction with the market and may not be able to afford to pay the prices of the day. This essentially means the fate of energy access for vulnerable consumers depends on the scope and size of their personal vulnerabilities, and Member States’ resources, willingness, competence, and administrative capacity to assist them. Usually, such assistential mechanisms fall within the scope of social welfare policy, taking the shape of minimum income schemes, with little emphasis on energy, as the next section below explains, sometimes supplemented by specific energy-oriented tools such as the social energy tariffs—but which share the same “social”

nature. In contexts of overlapping crises, the spectrum of vulnerability in relation to energy increases to levels with which states cannot keep up, but, even prior to these crises, the systems to respond to “assistance needs” of certain “needy consumers” does not correspond with the notion and objectives of dignity, as set out above.

In conclusion, whilst the language used by the EU is evidently gradually advancing towards the formulation of a right to energy, it yet continues to fall short of stating it as such. Binding and non-binding EU legislation—summarized in this section and detailed in Appendix A—dances a fine line between advocating universal (at the EU level) principles aimed at ensuring the acknowledged essential access to energy for all and delegating the responsibility of enacting policies to national and sub-national authorities in Member States. In this sense, the EU only recently embarked on the path of strengthening the social and environmental pillars of energy policy-making, ensuring thereby, the longer-term social and ecological sustainability of European energy systems.

3.2 | Minimum schemes are insufficient/inefficient

Due to the traditional focus on income—at most, relative to energy expenses—within EU definitions, energy poverty policy has to a large extent come to be placed within the spectrum of the social welfare system. As previously mentioned, EU law has prioritized measures in the social welfare system over market-intervention as way to respond to energy poverty. The main tools of intervention are the minimum income schemes, based on principles developed through the European Social Model and underpinned by the EU Pillar of Social Rights, aimed to (equitably) raise minimum social protection floors for all EU citizens. Minimum income schemes would provide means-tested support to beneficiaries who lack other sources of income. More specifically, they help to deliver on “the right to an adequate minimum income” as stated in Principle 14 of the EU Pillar of Social Rights, which reads that “Everyone lacking sufficient resources has the right to adequate minimum income benefits ensuring a life in dignity at all stages of life, and effective access to enabling goods and services.” In 2010, a resolution adopted by the European Parliament stressed that “minimum income schemes must cover fuel costs to allow poor households affected by energy poverty to pay their energy bills; minimum income schemes must be calculated on the basis of realistic assessments of how much it costs to heat a home related to the specific household needs—for example, family with children, older people and disabled persons” (European Parliament, 2010). In 2022, the European Commissions’ new recommendation on “adequate minimum income ensuring active inclusion” also stated that support for energy consumption would be needed. In this case, it asserted that “[c]ompared to price measures, income support measures generally allow for better targeting the support to those in need and are more compatible with preserving incentives to reduce energy consumption” (European Commission, 2022).

Similar to the design of protective measures in the sphere of energy poverty supported by different pieces of EU energy law, each member state is allowed to design its own scheme, in accordance with budgets, resources, and other national standards, including living standards. Although, generally, the overall foundation of each welfare

system is couched in the commitment to social justice and forms the framework on how each member state will address these challenges (Hemerijck, 2002), this has generated a large variation with respect to the schemes implemented and their efficiency.

Recent reviews of social support policies addressing energy consumption existing in EU Member States at national levels identified 64 energy-specific financial measures, including energy allocations specified in minimum income support schemes and other energy-related financing mechanisms. All have the broad intention of bill support for energy consumption (Dobbins et al., 2016). Yet, energy hardly appears as a specific category where benefits are intended to be channeled to assist households in minimum income schemes and were only found in some Member States as a complementary means-tested benefit as an energy or heating subsidy (European Commission et al., 2016). Support is still typically provided only to households identified as necessary beneficiaries through the social welfare system delineated through those identified as vulnerable consumers within the internal energy markets for electricity and gas. In most Member States, access to energy remains with the National Regulatory Authorities (NRA), while affordability and overall protection (for defined groups) are tasked to social policy, and renewable energy and energy efficiency to the energy and climate policy domains. As a result, depending on inter-institutional dynamics, many energy poor households are left unidentified, unaddressed, unaware, and unable to access the bureaucratic process or consider applying or receiving such subsidies as undignified. Many are left behind, expanding the set of “losers” of the clean energy transition (Carley & Konisky, 2020) and the “winners” or the “energy privileged” (Ciplet, 2021). Building on Dubois and Meier (2016) and Primc et al. (2019) also argue that “energy policy measures, like financial assistance to households and special energy tariffs, are feasible options when energy poverty concerns a small share of households because such measures are expensive [...] [p]olicy-makers must look at energy poverty as part of a broader socio-economic problem and apply measures accordingly.”

This section has shown that the EU has taken many steps forward towards attaching a rights-oriented language to energy, perhaps the most to any other context in the Global North. Yet it still follows market-focused approaches to energy access, with the State as a secondary, reactive actor. While the essential role played by energy for full membership in modern political communities is increasingly acknowledged, it is not accessible to all at a necessary level, and policies to address it are haphazard or piecemeal, and not addressing root causes. We now turn to the analytical lenses of social contract theory to argue, based on the advancements in international—and especially EU—law and policy goals, that conceptualizing energy as part of the social contract is a necessary step to pursue peoples' access to energy in accordance with its importance.

4 | BRINGING ENERGY UNDER THE SCOPE OF THE SOCIAL CONTRACT

The aim of defining the rules through which people can create peaceful political communities has been at the core of political philosophy

throughout the centuries. The Social Contract has emerged as a powerful philosophical paradigm, yet with profound empirical implications. It helps understand how political communities are formed based on the freely expressed will of individuals and how “the state” emerges as a result of this agreement. The fundamental principles of the social contract are a useful analytical lens for numerous dimensions of modern-day interactions between citizens and states under the scope of rights, duties, liberties, obligations, legitimacy, and security on both sides of the contract. Recently, UNDP and NOREF (2016) defined the social contract as “the process by which everyone in a political community, either explicitly or tacitly, consents to state authority, thereby limiting some of her or his freedoms, in exchange for the state's protection of their universal human rights and security and for the adequate provision of public goods and services.” Scientific literature also increasingly settles for broad definitions, allowing for a high level of empirical use, framing the social contract as an arrangement defining rights and duties within the political community (Huntjens, 2021), and even extending the scope of membership in the political community from individuals to societal groups (Loewe et al., 2021).

Nevertheless, as the nature of political communities undergoes continuous changes, there is an underlying feeling that there are shortcomings in the enactment of the social contract, especially in democratic contexts, where dissent towards the state is possible and permanent (re)evaluation of laws, policies, and social norms is part of the decision-making process. Therefore, advocating for the need to constantly revisit the social contract is pervasive throughout the literature. More recently, Stiglitz (2019a) advocates for a democratic “new social contract” aimed at giving every individual the opportunity to participate and “to live up fully to his or her potential.” Gardels and Berggruen (2019) speak of a need to “renovate democracy” and “redraw the social contract to reduce inequality.”

The scope of the social contract has been enlarged throughout time, as it was the case with public education and its complementary private market options or through universal access to health care or expansion of voting rights. It was only in 1948 that the right to education was enshrined in the UN's UDHR as a universal right for all to be guaranteed by the state. Access to public education is now guaranteed by the state to all—it is accompanied by a school obligation up to the age of 16 in Europe. The continuous aim of this expansion process is to create better polities, to allow for more individual autonomy, yet also more equality among citizens, to reduce structural disadvantages and, ultimately, ensure social cohesion and accommodate conflict, despite the shortcomings that still need to be tackled with respect to their implementation.

4.1 | Energy and the social contract

In line with the principles already acknowledged by international laws and norms, which associate energy with a dignified life, social justice, and citizenship as membership in a modern political community, claims for the right to energy argue that the social contract should be further expanded to cover basic energy needs in order to preserve

individual autonomy and guarantee equal membership in the political community from which subsequent obligations are derived. Similarly to not having access to education or as a result of untended illness, individuals cannot be fully functional in the community unless they have their energy needs met. Importantly, having basic energy needs met is in itself a necessary condition for access to education and good health.

Bringing energy under the social contract builds on ideas existing in the literature. First, some argue that energy is essential for public life, while others connect energy to the social contract more directly. Similarly to attributing social value to energy, Dobigny (2019) claims that “energy is not a simple technical object, which may be cut off from the social aspect, but a «total social fact»,” citing a concept used in sociology by Mauss (1950) and Durkheim. Debizet (2019) speaks of a social contract “for energy” as “equal access to energy regardless of national location.” Gardels and Berggruen’s (2019) idea to “redraw the social contract to reduce inequality” in light of expanding digitalization relies on increased use of renewable energies and on a change in paradigm in various economic sectors so that citizens become consumers. More decisively, LaBelle (2020, p. 7) claims that “universal access to energy is a modern fulfilment of... the social contract.”

4.2 | Markets, states, and the social contract

There is a significant body of literature advocating for the interests of the people to be placed at the foundation of market-state relations. Arrow (1972, p. 357) places markets in a broader context of social institutions and practices, which justifies “non-market systems of allocation,” while “supplementing social contracts” must complete non-universal markets. Moreover, argues Weale (2013, p. 19), such arrangements are necessary in order to constrain competitive and potentially mutually destructive behavior and embed it “in a functioning cultural context that fosters and sustains the contribution that individuals make to the common good.” Comelieu (2015, p. 19) points out the major challenges and needs brought by development and claims that markets alone cannot solve such needs. Thus, “a new kind of organization, using market mechanisms but also including a new sort of planning, is to be imagined.”

If energy is to be brought under the realm of the social contract, the interaction between the states and the energy markets needs to enter a new paradigm, with both sides acquiring a new perception over their role: as with any right, the state is the guarantor of the rights, while energy markets should no longer be a mean in itself, but rather an essential tool through which the right is enacted. Scholars increasingly advocate for a new social-ecological contract to promote a transition that is not driven by economic efficiency but by social and environmental justice (Grossmann et al., 2021; Laurent & Pochet, 2015). Huntjens (2021, p. 4) calls for a natural social contract considering “society as a social-ecological system focusing on people as members of a community and as part of a natural ecosystem.” Such a perspective aims to strengthen the social and environmental pillars of sustainable development, which may have been long neglected in the sphere of energy. Along with other

dimensions of life in modern political communities, energy is mentioned as part of these approaches in which economic efficiency or the profitability of market actors are no longer at the core of their activities, but rather a secondary, yet still legitimate, goal, which should not be pursued at the detriment of people or the environment.

Weale (2013, pp. 22–31) argues that, under the social contract, all practices pertaining to community life, including “markets, private property, democratic authority,” are subordinated to the superior goal of protecting the “share of the public interest” of all individuals and—according to the broad approach of Loewe et al. (2021)—collective actors which are subject to the social contract. Stiglitz (2019b) argues that “services that are essential to wellbeing” should not be left totally in the hands of the market and advocates for the implementation of “a public option,” which would be compatible with capitalism since it would enhance competition. LaBelle (2020, p. 117) speaks of “a social contract of low energy prices.” Debizet (2019) suggests that the alternative to the current top-down systems of delivering energy is through “interconnected energy autonomies,” which would redefine the “energy social contract.” LaBelle (2020) and Loewe et al. (2021) further expand the link between energy and social contracts by placing the discussion in the context of authoritarian regimes—such as communist regimes in Eastern Europe or Middle Eastern and North African countries. These regimes guaranteed to citizens low energy prices (but not energy in itself) as a tool to acquire and preserve legitimacy and as compensation for a lack of political liberties, but eventually the state’s incapacity to continuously provide these benefits led to the citizens’ rejection of this social contract, to revolt, and ultimately to the fall of these regimes.

The status quo is that energy is treated as a merchandised good, produced and offered by the markets and demanded by people, who buy as much as they can afford. This results in energy trade, shaped by market dynamics, implemented through commercial contracts between individual “consumers” and an interface of the market. Although a commercial contract occurs between two “equal” sides, this is a profoundly unequal power relation. The needs of the market continue to be met even if it loses one individual consumer, yet the needs of the consumer cannot be met without the market. This results in unequal access to energy services and a continuous state of vulnerability for individuals, as their access to energy is subject to elements beyond their control or capacity of decision. Thus, the interests of the markets are at the core of the current arrangements resulting from the “consumer” paradigm, while the state takes only a reactive role, acting as an absorber of the negative effects on the consumers. But the means of intervention depend on the state’s resources and, in situations when vulnerability (and the number of vulnerable consumers) increases, the state might be overwhelmed and unable to tend to all those in need of aid or do so in an insufficient manner, as the recent years have shown. This leaves many members of the political community unable to secure their basic energy needs (or do so at the expense of leaving other basic needs unmet), diminishing their functionality as members of the political community. Moreover, as underlined by Grossmann et al. (2021), the already existing low levels of trust displayed by people in market actors inhibit households in

energy poverty from seeking help and limit their capacity to implement coping strategies. It is therefore necessary to take energy needs outside the area of commercial exchanges and bring them within the scope of the social contract.

5 | CONCLUSIONS—THE RIGHT TO ENERGY AS A POTENTIAL SOLUTION FOR A SUSTAINABLE FUTURE

The way in which energy is approached, from the macro-level choices of sources and production to the micro-level behavioral choices each person makes at home, is intrinsically linked to how sustainable the future will be. International benchmarks associated to sustainable development provide the goal, yet the lines of action to attain these goals and the specific policies to be designed and enacted across all governance levels are still a matter of debate. In this article, we argue that energy policies aimed at attaining normative benchmarks such as SDGs, in particular SDG7, should work with a different, more complex, concept of energy and that a sustainable future that meets both climate needs and modern human needs is more attainable if energy is approached as a right and as a tenet of the social contract. Currently, energy policies still tend to identify people as “consumers” through their relation to the market rather than as “citizens” with concrete stakes in adequate services provision. Dobbins et al. (2019) argued that the EU must “strengthen its response to energy poverty by moving beyond the focus on vulnerable consumers in energy markets.” In the wake of the overlapping crises occurring in the recent years, we now argue that it is time to move altogether beyond the market-centered, consumer paradigm, towards a paradigm focused on humans, households, dignity, justice and human rights. We consider this to be a decisive step towards properly attaining SDGs, as the current market-centered paradigm functions in practice, as highlighted in our article, rather as a brake.

This perception also seems to transpire from social dynamics everywhere in the world. In Europe, growing resistance to market-centered energy systems is visible from the emergence of various vocal (grassroots) civil society groups, (resistance) movements, or people's representatives demanding change. This includes EU-wide Right to Energy coalition; the Alliance against Energy Poverty (APE) in Catalonia; Ombudspersons in Eastern European countries; grassroots movements, including engineers arranging underground illegal connections, in Greece, in response to austerity; the *gilets jaunes* in France (Hesselman & Tirado Herrero, 2022). Similar movements, and even violent, deadly, mass protests sparked by increases in energy prices, poor quality of supply, corruption, and other grievances on energy deprivation can be seen elsewhere in Europe as well, but also in other parts of the world, including in Mexico, Pakistan or South Africa. Many of these movements explicitly or implicitly invoke the social contract when claiming that insufficient energy in households is equivalent to a breach of their human rights (Hesselman, 2023).

Even the EU's Agency for the Cooperation of Energy Regulators (ACER), while stating that “the current electricity market design is not

to blame for the current crisis,” admits that “the electricity market design is, however, not designed for the “emergency” situation that the EU currently finds itself in” (ACER, 2022). However, crises are persistent and markets are highly sensitive to them, with a direct impact on all. Faced with the crises, the increasing uncertainty and unpredictability of markets, energy vulnerability is pervasive, increasing, and no longer an exception that can be taken care of by the state in a reactive manner. States are not able to cope with the increasing financial strain to respond to this increasing vulnerability to safeguard energy. Even in periods that are relatively stable, the figures on energy poverty in the EU and globally tell us that current systems are not delivering reliable access to energy to all in equitable and dignified manners.

If and once this change in paradigm is accepted, how this is enacted through legislation and policy can be further explored and debated. Some initial directions are nevertheless in sight, a right to energy does not mean endless free energy and should not stimulate overconsumption. A distinction should be made between “need” and “comfort.” A right to energy that builds on the phrasing of SDG 7 and on the increasingly complex rationale around energy embedded in international norms and legislation rather refers to continuous, reliable access to an amount of (at least *affordable*, if not *free*) energy that covers basic energy needs associated with dignified living. Therefore a potential label might point to a right to *necessary* energy (services), in line with the language already used by the EU (Frigo et al., 2021). There would likely still be a need to pay for the *clean* production, delivery and consumption of this basic energy, and an array of public and private actors should be well integrated as long as private parties are still involved. In addition, how much energy is necessary to cover basic needs of a household should also be calculated, ideally on a case-by-case basis, based on a comprehensive set of variables, based on normative premises of equitability and justice. However, some initial measures are straightforward. For example, permanently banning disconnections (Coupechoux, 2023).

Criticism towards the right to energy approach should also be addressed. Advocates for a right to energy should be aware that “some argue that embedding rights into legal frameworks can act as a smokescreen, giving the impression that something real has been achieved, when so much in fact rests on the details of specification and implementation in practice” (Walker, 2015, p. 35). Other similar rights are already acknowledged, including into the SDG framework, yet problems persist. The right to housing is embedded into the French Constitution, yet homelessness or poor quality or unaffordable housing still exist. The right to water has been increasingly strongly anchored into international law, yet access to clean water is still a problem for many (Boretti & Rosa, 2019). The right to education is accepted almost everywhere in modern societies, yet there are still children who do not attend school. The right to decent life also occurs in many constitutions, yet poverty still exists. Furthermore, critics can point to the fact that states will be unable to secure enough energy for the implementation of a universal right to energy if they are unable to cope even with the schemes currently implemented for a minority of the population. Also, traditional energy resources are increasingly

affected by scarcity, which partly explains the rising prices, while creating the infrastructure to replace these resources with renewable ones is also expensive and takes time.

However, while absolute as normative tools, most human rights are relative and progressive in their implementation, “measurable” from an empirical perspective (Landman & Carvalho, 2009), just as the SDGs and other internationally-derived policy goals are. They are strong normative benchmarks, ideals which modern societies, once adhering to them, strive to achieve, a process which may look like a revolution, but will more often be rather incremental and take time to complete, if ever. In fact, even though the notions of “human rights” and “human dignity” are strong normative concepts, our deliberations on what constitutes the “human rights” that are part of the social contract are not immutable, and in some cases have to be fought over. The right to energy will not likely be a panacea for eradicating energy poverty worldwide, but it can be a compelling moral, normative anchor and legal tool for (collective) action. More specifically, a rights-based approach directs (legal) rights and duties for modern energy services access and having a say in common and personal energy futures. The benefit of a “commoning perspective” to amendments of the social contract to include energy, and renegotiate relevant rights, duties and public objectives through a lens of “the people,” certainly deserves to be further explored.

Finally, concerns have also been raised about the climate change implications of taking the steps to fulfill the right to energy in a world fraught with long-standing energy and carbon inequalities (Lohani et al., 2023), with Global South nations expecting to keep increasing their energy use and carbon emission levels to lift people out of (energy) poverty. However, developed countries, like the ones in the EU, have already embarked on a process of (just) transition towards clean energy and reduced energy consumption, to better address the environmental dimension of energy and strike a balance between the three pillars of sustainable development for past, present and future generations. As illustrated throughout the article, significant steps are taken to embed into legislation and practice a sophisticated perspective on energy, along with sophisticated perspectives on citizenship and welfare states. Thus, by decisively reconceptualizing energy within the scope of the social contract, a decisive step towards upholding the human dimension of energy could be ensured.

ACKNOWLEDGMENTS

The research reflected in this article has been supported by the COST Action entitled European Energy Poverty: Agenda Co-Creation and Knowledge Innovation (ENGAGER 2017–2021, CA16232). Babes-Bolyai University (Development Fund 2022) supported George Jigla's work on this manuscript. Bundesministerium für Wirtschaft und Klimaschutz (INVEST, 03EI5230A), supported Audrey Dobbins's work on this manuscript. HORIZON EUROPE Marie Skłodowska-Curie Actions (TRANSFAIR, 752870) and Ministerio de Ciencia e Innovación (RYC2020-029750-I) supported Sergio Tirado-Herrero's work on this manuscript. EEA Norway Grants (2022/346711 ENERTOWN) covered the Open Access fee.

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How to cite this article: Jigla, G., Hesselman, M., Dobbins, A., Grossmann, K., Guyet, R., Tirado Herrero, S., & Varo, A. (2023). Energy and the social contract: From “energy consumers” to “people with a right to energy”. *Sustainable Development*, 1–16. <https://doi.org/10.1002/sd.2727>

APPENDIX A: EUROPEAN POLICY AND LEGAL DOCUMENTS MAKING CONTRIBUTIONS TOWARDS A RIGHT TO ENERGY

European document (available at eur-lex.europa.eu)	Relevant content advancing towards a right to energy
Article 14 of the Consolidated version of the Treaty on the Functioning of the European Union, as last amended on 26 October 2012, OJ C 326	“...given the place occupied by services of general economic interest in the shared values of the Union as well as their role in promoting social and territorial cohesion, the Union and the Member States [...] shall take care that such services operate on the basis of principles and conditions, particularly economic and financial conditions, which enable them to fulfil their missions.”
Article 1 of Protocol No. 26 on Services of General Interest, annex to Consolidated version of the Treaty on the Functioning of the European Union, as last amended on 26 October 2012, OJ C 326	<p>“The shared values of the Union in respect of services of general economic interest within the meaning of Article 14 of the Treaty on the Functioning of the European Union include in particular:</p> <ul style="list-style-type: none"> – the essential role and the wide discretion of national, regional and local authorities in providing, commissioning and organising services of general economic interest as closely as possible to the needs of the users; – the diversity between various services of general economic interest and the differences in the needs and preferences of users that may result from different geographical, social or cultural situations; – a high level of quality, safety and affordability, equal treatment and the promotion of universal access and of user rights.”
Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, “A Quality Framework for Services of General Interest in Europe,” COM(2011) 900	“Service of general economic interest (SGEI): SGEI are economic activities which deliver outcomes in the overall public good that would not be supplied (or would be supplied under different conditions in terms of quality, safety, affordability, equal treatment or universal access) by the market without public intervention.”
Communication from the Commission: Towards a European Charter on the Rights of Energy Consumers (5 July 2007) COM(2007)386 final, 3	“Energy is of the greatest importance in ensuring social and territorial cohesion, economic stability and sustainable development. In developed economies, individuals are cut off from society if they do not have access to electricity. The same holds true for business. Adequate energy provision therefore constitutes one of the key elements towards achieving citizens' successful participation in social and economic life.”
Communication from the Commission to the Council and the European Parliament: Prospects for the Internal Gas and Electricity Market (10 January 2007) COM(2006) 841 final, 20–21	<p>“Without energy, people cannot live in today's economic and social environment. Electricity is essential to citizens' daily life. It also often impacts on the availability of many essential services. Households with lower income spend proportionally more on energy than households with higher income. Also, households in rural areas spend proportionally more on energy than those in urban areas.”</p> <p>“The Commission considers that the highest possible standards of public service must exist across the EU. The changes taking place in the European energy market must fully protect the citizens' rights to be supplied with enough electricity to meet their basic needs at reasonable, easily and clearly comparable and transparent prices. Special measures may also be taken to ensure the protection of the most vulnerable citizens, particularly in terms of fuel poverty.”</p>
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, recital 59, Articles 26–28	<p>“Energy services are fundamental to safeguarding the well-being of the Union citizens. Adequate warmth, cooling and lighting, and energy to power appliances are essential services to guarantee a decent standard of living and citizens' health. Furthermore, access to those energy services enables Union citizens to fulfil their potential and enhances social inclusion.”</p> <p>“Member States shall ensure that all household customers, and, where Member States deem it to be appropriate, small enterprises, enjoy universal service, namely the right to be supplied with electricity of a specified quality within their territory at competitive, easily and clearly comparable, transparent and non-discriminatory prices.”</p> <p>“Member States shall take appropriate measures to protect customers and shall ensure, in particular, that there are adequate safeguards to protect vulnerable customers. In this context, each Member State shall define the concept of vulnerable customers which may refer to energy poverty and, inter alia, to the prohibition of disconnection of electricity to such</p>

European document (available at eur-lex.europa.eu)	Relevant content advancing towards a right to energy
	<p>customers in critical times. The concept of vulnerable customers may include income levels, the share of energy expenditure of disposable income, the energy efficiency of homes, critical dependence on electrical equipment for health reasons, age or other criteria. Member States shall ensure that rights and obligations linked to vulnerable customers are applied. In particular, they shall take measures to protect customers in remote areas. They shall ensure high levels of consumer protection, particularly with respect to transparency regarding contractual terms and conditions, general information and dispute settlement mechanisms.”</p> <p>“When assessing the number of households in energy poverty pursuant to point (d) of Article 3(3) of Regulation (EU) 2018/1999, Member States shall establish and publish a set of criteria, which may include low income, high expenditure of disposable income on energy and poor energy efficiency. The Commission shall provide guidance on the definition of ‘significant number of households in energy poverty’ in this context and in the context of Article 5(5), starting from the premise that any proportion of households in energy poverty can be considered to be significant.”</p>
<p>Regulation (EU) 2018/1999 of the European Parliament and the European Council on the Governance of the Energy Union and Climate Action, recitals 3 and 26, Article 3(3)</p>	<p>“The goal of a resilient Energy Union with an ambitious climate policy at its core is to give Union consumers, including households and businesses, secure, sustainable, competitive and affordable energy...”</p> <p>“With regard to their integrated national energy and climate plans, Member States shall: ... assess the number of households in energy poverty taking into account the necessary domestic energy services needed to guarantee basic standards of living in the relevant national context, existing social policy and other relevant policies, as well as indicative Commission guidance on relevant indicators for energy poverty.</p> <p>In the event that a Member State finds, pursuant to point (d) of the first subparagraph, that it has a significant number of households in energy poverty, on the basis of its assessment of verifiable data, it shall include in its plan a national indicative objective to reduce energy poverty. The Member States concerned shall outline in their integrated national energy and climate plans, the policies and measures, which address energy poverty, if any, including social policy measures and other relevant national programmes.”</p>
<p>Directive 2009/72/EC of the European Parliament and of the Council</p>	<p>“Member States shall ensure that all household customers [...] enjoy universal service, that is the right to be supplied with electricity of a specified quality within their territory at reasonable, easily and clearly comparable, transparent and nondiscriminatory prices.”</p>
<p>European Pillar of Social Rights (2017)</p>	<p>Principle 20: Access to essential services</p> <p>“Everyone has the right to access essential services of good quality, including water, sanitation, energy, transport, financial services and digital communications. Support for access to such services shall be available for those in need.”</p>
<p>Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) 2019/943 and (EU) 2019/942 as well as Directives (EU) 2018/2001 and (EU) 2019/944 to improve the Union's electricity market design (COM(2023) 148 final), proposed recitals 10 and 52, and proposed Article 28a</p>	<p>“The changes to the electricity market design should ensure that the benefits from rising renewable power deployment, and the energy transition as a whole, are brought to consumers, including the most vulnerable ones, and ultimately, shield them from energy crises and avoid more households falling into energy poverty trap. These should mitigate the impact of high fossil fuel prices, notably that of gas, on electricity prices, aiming to allow households and companies to reap the benefits of affordable and secure energy from sustainable renewable and low carbon sources in the longer term.”</p> <p>“Vulnerable customers should be adequately protected from electricity disconnections and should, as well, not be put in a position that forces them to disconnect. The role of suppliers and all relevant national authorities to identify appropriate measures, in both the short and the long-term, which should be made available to vulnerable customers to</p>

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manage their energy use and costs remain essential, including by means of close cooperation with social security systems.”

“Article 28a

Protection from disconnections for vulnerable customers

Member States shall ensure that vulnerable customers are protected from electricity disconnections. This shall be provided as part of the concept of vulnerable customers pursuant to Article 28 (1) of this Directive and without prejudice to the measures set out in Article 10(11).”

“... [this] proposal enhances the protection of fundamental rights, such as the respect for private and family life (Article 7), the right to protection of personal data (Article 8), the prohibition of discrimination (Article 21), access to services of general economic interest (Article 36), the integration of a high level of environmental protection (Article 37) and the right to an effective remedy (Article 47), in particular through a number of provisions concerning consumer empowerment, rights and protection”