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Answer given by Mr Jørgensen
on behalf of the European Commission
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‘Proportionality’ is always assessed on a case-by-case basis. In this case, it should be assessed in light of the service provided to the customer and cost incurred by the supplier. National regulatory bodies or the Commission's own reports or communications are a good resource to explore specific national examples.

In the Commission’s view, ‘Direct economic loss’ should entail only costs incurred by suppliers, directly related to customers' termination of contracts, including costs of any bundle investments or services already provided (e.g. administrative or acquisition costs). Any future possible profit loss should not be included as this cannot be directly related to the switching of individual customers. The burden of proof is on the supplier, and the national regulatory authority should monitor the permissibility of such fees.

The Commission regularly publishes information¹ on its enforcement activities, press releases² on Member State’s compliance with EU law, and information about Commission decisions³ on infringements. The Commission currently assesses transposition of the Electricity Directive⁴ in all Member States, including Latvia, but does not comment on the contents of individual ongoing infringements.

¹ <https://ec.europa.eu/implementing-eu-law/home>.

² https://ec.europa.eu/commission/presscorner/detail/en/inf_23_3445.

³ <https://ec.europa.eu/implementing-eu-law/search-infringement-decisions>.

⁴ <https://eur-lex.europa.eu/eli/dir/2019/944/oj/eng>.