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Answer given by Mr McGrath
on behalf of the European Commission
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At EU level, by virtue of the reference to the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations (the Protocol) contained in Article 15 of the Maintenance Regulation[1], its rules are directly applied by EU courts for the purposes of determining the law applicable to maintenance obligations, provided that the cross-border case falls within the Maintenance Regulation's temporal and material scope of application. However, such matters as the establishment of maintenance and the determination of the amount of monthly maintenance are decided under national law and do not fall under EU competence and the Commission may not monitor their application by national courts[2].

The European arrest warrant (EAW) is an entirely judicial procedure between judicial authorities in the EU Member States based on the particular circumstances of each individual case following a national arrest warrant. Neither the Commission nor the Member States' governments can interfere with decisions taken by judicial authorities.

An EAW should always be proportional to its aim. Even where the circumstances of the case fall within the scope of Article 2(1) of the Framework Decision on EAW[3], issuing judicial authorities are obliged to consider whether issuing an EAW is justified in a particular case. Considering the severe consequences that the execution of an EAW has on the requested person's liberty and the restrictions of free movement, the issuing judicial authorities should assess a number of factors in order to determine whether issuing an EAW is justified[4].

[1] Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, OJ L 7, 10.1.2009, p. 1–79.
[2] On Article 14 of the Protocol, see page 55 of the Practice Guide on the application of Regulation No. 4/2009 on maintenance obligations: https://op.europa.eu/en/publication-detail/-/publication/c92dcdc5-a2d5-11ee-b164-01aa75ed71a1.
[3] Article 2(1) of the Framework Decision on EAW provides that an EAW may be issued for acts punishable by the law of the issuing Member State by a custodial sentence or a detention order for a maximum period of at least 12 months or, where a sentence has been passed or a detention order has been made, for sentences of at least four months.
[4] See for the specific factors: para 2.4 of the 2023 Commission Handbook on how to issue and execute a European arrest warrant: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52023XC01270.