

C/2026/2517

11.5.2026

Action brought on 17 February 2026 – RQ v Commission**(Case T-124/26)**

(C/2026/2517)

*Language of the case: Spanish***Parties***Applicant:* RQ (represented by: J. Navas Marqués, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the European Commission, signed on 18 November 2025, with the reference Ares(2025) 9972459, rejecting the applicant's complaint under Article 90(2) of the Staff Regulations confirming the refusal of a right to a survivor's pension, and the initial decision of the Office for the Administration and Payment of Individual Entitlements (PMO) of 28 May 2025;
- recognise the applicant's right to receive the sums corresponding to the survivor's pension unduly refused, together with statutory interest accrued from the date on which they were due until their actual payment;
- order the Commission to pay the costs pursuant to Article 134 of the Rules of Procedure of the General Court.

Pleas in law and main arguments

In support of the action, the applicant relies on nine pleas in law.

1. First plea in law, alleging an error of law in the interpretation and application of Articles 18 and 20 of Annex VIII to the Staff Regulations.
The Commission erred in law by applying the requirement of a minimum duration of marriage in an automatic and strictly formal manner, without taking into account the purpose of that provision or its general legal context. The purpose of the temporal requirement is to prevent fraudulent situations, in particular marriages entered into for the sole purpose of generating economic rights without there being a genuine and stable relationship. However, in the present case, the relationship between the applicant and the deceased official was genuine, long-standing and fully substantiated by numerous objective factors, including continuous cohabitation over many years, joint registration on the municipal roll, a notarial certificate of stable partnership and mutual recognition in wills. By disregarding those factors, the Commission distorted the protective purpose of the statutory regime, applying the temporal requirement as a purely mechanical condition, contrary to the principles underpinning the social protection system for EU officials.
2. Second plea in law, alleging a manifest error of assessment of the facts and incorrect evaluation of the evidence.
The contested decision is based on an incorrect and incomplete assessment of the relevant facts, particularly in relation to the applicant's legal situation and the point at which she was able to validly enter into marriage. The Commission found that the applicant had not acted with the requisite diligence by failing to seek recognition in Spain of her divorce pronounced in Belgium at an earlier stage. Furthermore, the Commission failed to properly assess the evidence submitted which demonstrated the stability of the relationship. That omission constitutes a manifest error of assessment of the facts and a distortion of the evidence.
3. Third plea in law, based on the incorrect application of the concept of *force majeure*.
The Commission incorrectly applied the concept of *force majeure* by rejecting the applicant's claim without carrying out a comprehensive, specific and individualised analysis of the circumstances of the case. The impossibility of marrying before 2021 was not the result of a lack of diligence on the part of the applicant, but of an objective legal impediment arising from the failure of Spain to recognise her previous divorce. Furthermore, during that period, the

applicant was diagnosed with a serious illness, an exceptional circumstance that affected her personal situation and which should have been taken into account when assessing the diligence required. By failing to give due consideration to those factors, the Commission committed an error of law and a manifest error of assessment.

4. Fourth plea in law, alleging breach of the principle of proportionality (Article 52(1) of the Charter of Fundamental Rights of the European Union).

The contested decision breaches the principle of proportionality by imposing an extremely severe consequence – total exclusion from the right to a survivor's pension – in a situation where the relationship between the applicant and the deceased official was genuine, stable and long-standing. The automatic application of the temporal requirement is not necessary to achieve the anti-fraud objective of the provision, since the genuine nature of the relationship has been fully established. The measure adopted is therefore disproportionate.

5. Fifth plea in law, alleging breach of the principle of equality and non-discrimination (Articles 20 and 21 of the Charter).

The contested decision breaches the principle of equality by treating situations that are substantially different in the same way. The applicant, who had a stable and long-standing relationship with the deceased official, is treated in the same way as a person who had married shortly before the death without a prior relationship. That formalistic application of the Staff Regulations gives rise to a difference in treatment which is unjustified and contrary to the principle of equality.

6. Sixth plea in law, alleging infringement of the right to good administration (Article 41 of the Charter).

The Commission failed to fulfil its obligation to carefully examine all the relevant information in the file and to carry out an individual assessment of the circumstances of the case. The contested decision reveals a mechanical and standardised approach, focused exclusively on the temporal requirement, without properly analysing the evidence provided or the exceptional circumstances alleged. That conduct infringes the right to good administration.

7. Seventh plea in law, alleging an inadequate statement of reasons (Article 296 TFEU).

The contested decision does not contain sufficient reasoning to allow a full understanding of the grounds for the rejection. The Commission does not clearly explain why the alleged legal impediment does not constitute *force majeure* or why the evidence provided is not decisive. That lack of reasoning prevents effective judicial review.

8. Eighth plea in law, alleging inconsistent interpretation of the Staff Regulations and infringement of their protective purpose.

The interpretation adopted by the Commission disregards the protective purpose of the Staff Regulations, the objective of which is to ensure the social protection of the official and his or her family.

The purely formal application of the temporal requirement leads to a result contrary to that purpose, by excluding from protection the person who was the official's actual and stable surviving spouse.

9. Ninth plea in law, alleging infringement of the right to an effective remedy (Article 47 of the Charter).

The lack of sufficient reasoning and the absence of an individualised examination of the circumstances of the case infringe the applicant's right to effective judicial protection, by preventing a full understanding of the reasons for the decision and hindering its challenge.
