

NEWSLETTER

PENSION AND COHABITING PARTNERS

A widow's pension may be granted to the surviving partner in a civil partnership, for life, provided that the deceased meets the required contribution criteria and the partnership is validly recognised for Social Security purposes.

1. **What does the law require for a civil partnership to give rise to entitlement to a pension?**

It is required that, at the time of death, a civil partnership exists in accordance with the law and that the deceased meets the general eligibility requirements for the widow's pension, in particular those relating to contributions depending on whether they were registered or in an equivalent situation, with special rules applying if the death results from an accident or occupational illness.

2. **How are de facto partnerships and cohabitation proven?**

A distinction must be made between the formal proof of the existence of the de facto partnership, which requires registration in a specific register or public document at least two years prior to the death, and proof of the duration of cohabitation, which must generally be stable, well-known and uninterrupted for five years and may be proven by any means admissible in law once the formal existence has been established.

3. **What alternatives are there if not all the requirements for the life pension are met?**

If the minimum two-year period prior to registration or the public document is not met, but the other requirements are fulfilled, a temporary widow's or widower's benefit is granted for two years, expressly provided for a spouse or civil partner. However, registration or a public document as a civil partner is still required; only the minimum two-year period is waived.

[Legal, Tax & Advisory](#)

We have attached a summary table of the different situations:

Aspect	Lifetime pension for civil partners	Temporary widow's benefit for civil partners	Former civil partner (previous termination)	Domestic violence
Formal existence of a civil partnership	Registration or public document, dated at least two years prior to the death.	This is recognised precisely when the minimum 2-year period of registration or public document cannot be proven.	It requires that the partnership was established in accordance with the legal terms.	It does not remove the requirement for formal establishment, but it does affect requirements relating to cohabitation in certain cases.
Cohabitation	5 uninterrupted years, unless there are children in common	It does not replace the other requirements, but applies when the formal prior registration requirement is not met.	This does not apply to cohabitation at the time of death, but to a prior break-up, subject to additional conditions.	The cohabitation requirement at the time of death is waived if cohabitation ceased due to domestic violence.
Children in common	A 5-year cohabitation period is not required, but formal registration within 2 years is.			

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Duration	For life, unless there are grounds for termination.	2 years.	Lifetime, provided additional requirements are met	
Additional requirements			No new marriage or new civil partnership, and a compensatory pension that ceases upon death, subject to a cap on the amount.	Flexible proof by legal means, including any form of evidence admissible in law.

We remain at your disposal to analyse the specific implications and to resolve any queries that may arise.

Yours faithfully,
Labor Department

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The content of this newsletter is for information purposes only and does not constitute sufficient advice for decision-making on the matters discussed.