

Closing the Gap: an action for non-compliant delivery must be brought “as soon as possible”.

The Cassation Court, through its ruling of 6 January 2022, holds that a buyer who rejects a delivery must bring the action (for non-compliant delivery), pursuant to articles 1604 and 1610 of the old Civil Code, as soon as possible. A buyer who accepts the item delivered can no longer seek the annulment of the sale on grounds of lack of conformity of the item delivered, subject to an action for defect constituting grounds for an annulment of sale pursuant to article 1648 of the old Civil Code.

This article is available in Dutch and French.

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