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The direct action brought by registered letter does not prevent access to justice

In connection with a payment dispute between a main contractor and subcontractor, the Ghent Business Court, Ghent division, submitted the preliminary question to the Constitutional Court whether article 1798 of the old Civil Code is compatible with the right of access to justice which is guaranteed for all litigants. The Constitutional Court decided that the direct action brought by registered letter does not prevent access to justice and, consequently, answered the preliminary question in the negative.

This article is available in Dutch and French.

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