

# Pre-packs in the Netherlands and throughout Europe

**Prof. Dr. O. Salah**

Pre-packs in the Netherlands and throughout Europe:

Since the judgment of the European Court of Justice in the *Estro*-case in 2017, the use of the pre-pack in the Netherlands had drastically diminished.

Last year, while looking ahead (please see: <https://www.nortonrosefulbright.com/en/knowledge/publications/4618c289/recent-activity-points-to-the-welcome-revival-of-pre-packs-in-the-netherlands>), we anticipated a possible revival of the Dutch pre-pack with the highly anticipated judgment of the European Court of Justice in the *Heiploeg*-case.

On 28 April 2022, the European Court of Justice handed down its judgment in the *Heiploeg*-case, which appears to indeed offer opportunities for the pre-pack in the Netherlands to be revived. Reference is made to: <https://www.nortonrosefulbright.com/en/knowledge/publications/9db069f2/the-netherlands>.

What does this mean for the Dutch pre-pack? What are the implications hereof for other European countries, such as Belgium where similar discussions have been ongoing as in the Netherlands? These topics will be elaborated on in this paper.