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Lifting the Veil
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[Part I]

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Abstract.

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within
multinational
enterprise
groups (MEGs)
raises complex
issues due to
the foreign
elements of the
case and the
multiplicity of
debtors. The key
problem is
deciding to what
extent and in

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Within ways
should there be
'linkage'
between the
entities in the
course of their
insolvency in
order to promote
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debtors. The key problem is deciding to what extent and in which ways should there be 'linkage' between the entities in the course of their insolvency in order to promote insolvency goals.

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the foreign elements of the case and the multiplicity of debtors. The key problem is deciding to what extent and in which ways should there be 'linkage' between the entities in the course of their

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insolvency in
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'Linkage'
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Enterprise
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THE QUEST FOR
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SOLUTIONS FOR
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WITHIN
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ENTERPRISE
GROUPS. 6

Preservation of
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Maximization of
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Facilitation of
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Accountability;
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Predictability

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260 |a Oxford :
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300 |a 1 online resource (392 p.) 520: 8 |a The law relating to multinational enterprise groups is notoriously complex. This book provides the first detailed analysis of the case law,

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presenting ...

Multinational

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Insolvency

within

multinational

enterprise

groups

Identifying the

'home country'

for the

multinational

enterprise

group's

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insolvency proceedings can be crucial for allowing an effective insolvency process for related entities.

However, this is a challenging task given the diversity of group structures

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and insolvency
scenarios. This
article attempts
to deal with
this issue by
applying

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1 See I

Mevorach, 'The
road to a
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comprehensive
global approach
to insolvencies
within

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groups' [2006]

15 JBLP 455,
463–64 and

466–530. 2 *ibid*

466–530. See

also I Mevorach,
'Centralizing
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pan-European
corporate
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creditor's dream
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[2006] JBL 468.

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The relevance of
the enterprise

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approach may be seen from two perspectives – the objective of insolvency or liquidation proceedings, and the complex, inter-connected nature of legal entities in corporate groups of the present day. Given the

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primary
objective of
insolvency laws
to rescue an
entity, a mostly
entity-focused
approach may
fail to do
justice to the
needs of an
ailing
enterprise,
where resources,
operations and

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assets may be
scattered across
entities.

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Dealing with
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within
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Within (Oxford University Press, 2009), 97-100, 172-173, 184).¹⁰ It can be in the format of the traditional parent-subsidiary relationship or entities linked by contract. The group may comprise of

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other forms of
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1 See generally
I Mevorach,

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2009). 2 U.N.
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