

Estudio Ehecopar.

Member Firm of Baker & McKenzie International



Local practice

Regulatory
Banking & Finance

Related legal services

Infrastructure
Capital Markets
Construction
Corporate Compliance & Governance
Energy, Mining & Infrastructure
Information Technology & Communications

Languages

Spanish
English

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Javier Tovar

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Biography

Javier Tovar has extensive experience in private investment and international private relationships. He has been Chairman in PROCAPITALES, CONASEV, special Committee for the Sale of State Shares in Capital Markets and INDECOPI's Market Access Commission. He chaired the technical commission in charge of the preparation of the telecommunications opening guidelines, and the special committee for the privatization of ENTEL PERU and Compañía Peruana de Telefonos. Javier has also published several articles on matters of his specialty and has participated as speaker or panelist in seminars and forums.

Practice focus

Javier focuses his practice on private investment in infrastructure, concessions, telecommunications and capital market regulation. He has participated in many concession and public-private partnership processes, and in capital markets transactions, particularly structuring legal strategies and regulations to resolve regulatory and financial issues. He has also led several local and international public tenders for companies in different sectors.

Education

- Pontificia Universidad Catolica del Peru, Master in Economic International Law, Lima, 1986 – 1987.
- School for Legal Practice, Universidad Complutense de Madrid, post graduate, Madrid, 1982.
- Pontificia Universidad Catolica del Peru, Law Degree, Lima, 1982.

Memberships

- Institute for Public Services Law (IDESER).
- PROCAPITALES - Member of the Board of Directors from 2001 and Vice Chairman, 2003.

Admission

- Lima Bar Association, 1982.

Representative legal matters

- Advised Consortium Salaverry in a Private Initiative in Puerto Salaverry.
- Advised Petroperu on Corporate Governance matters and access to the capital markets.
- Advised a company listed in the Lima Stock Exchange to adapt to best corporate governance practices.
- Advised Consortium Transportadora Callao in the preparation, presentation and procedure of the New Port for Minerals at the Terminal Port of Callao Private Initiative as well as the concession company Consorcio Transportadora Callao in the execution of the contractual agreement corresponding said project concession.
- Advised an international port business company as member of the Consortium International Multipurpose Terminal of Callao, in a project bidding of a private investment project.
- Advised Talma SA in the process of acquisition of Peruvian Airports (about 12 airports).
- Advised the Metropolitan Municipality of Lima (Metropolitan Institute Protransporte of Lima) on the public tender for the concession of the operation of the public transport service in the System of High Capacity Segregated Corridors.
- Advised Corporacion Andina de Fomento (CAF) on the design and proposal of a financial instrument to develop and finance concessions based on the future commitments of the government (the result was, basically, the Certificados de Reconocimiento de Derechos del Pago Anual por Obras (CRPAOs)).
- Conducted the sale of 26% of the shares of Telefonica del Peru through its listing in the New York Stock Exchange and a public international offer. The total amount of the transaction, including all the segments of the offer, was USD 1239 million.
- Advised TELMEX on the acquisition transaction of ATT Peru, within the acquisition process of ATT Latin America.
- Advised a telecommunications company on the negotiation complex regarding the interconnection with Telefonica del Peru (2004).
- Advised APOYO SA on Projects for Rural Telecommunications in Tanzania and Caucasus.
- Advised BBVA as arranger in the sale of 12% in shares of Luz del Sur in the Peruvian market, through a Dutch electronic auction.
- Advised KONINKLIJKE AHOLD N.V., in the sale of 100% of shares of Santa Isabel SA in the Lima Stock Exchange.
- Advised the process for granting the Concession of Second License of Mobile Services in Honduras with the investment bank Latin Pacific Capital, Honduras.

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- Legal advise to Corporacion Andina de Fomento (CAF) on the issuance of the Condor Notes under the program "Medium Term Note Programme". The amount of this first transaction, at sub-region level was USD 75 million. This operation was placed in the Peruvian market by private offer and listed on the Lima Stock Exchange.
- Advised Transactions for Capital Markets – Several Primary Public Offers, carried out in the Peruvian market by different sector companies.
- Advised on several regulatory controversies related with privileged information and market manipulation, among others.
- Advised Compañia Minera Atacocha on a hostile OPA carried out by Compañia Milpo SA.
- Advised leading companies that requested conciliation on Interconnection Negotiations (1999).
- Concession of Services PCS – Peru. Advised the consortium made up by Airtel and Grupo Santander on their participation as bidder in the Servicios Moviles PCS concession process called by the Peruvian Government.
- Conducted three public bids for the sale of shares of the power generation company Edegel. The bid was made in the local capital market and the total amount of the transaction was USD 139 million.
- Prepared the opening guidelines for the telecommunication market, approved by Supreme Decree 020 –98–TC, base document of telecommunications opening policies in Peru (1998).
- Conducted the sale of shares of Banco Continental. The transaction amount was USD 67 million.
- Conducted the sale of shares of EGENOR, a power generation company, through a public auction at the Lima Stock Exchange. The amount of the transaction was USD 60 million.
- Conducted the sale of shares of an electricity distribution company to the local and international markets. The amount of the transaction was USD 163 million with a local retailer segment in which 150,000 people purchased shares.
- Advised on the sale of 35% of the shares of Empresa Nacional de Telecomunicaciones (Entel Peru), jointly with CPT SA. The amount of the joint transaction allocated to a consortium led by Telefonica Internacional was USD 2 billion.
- Advised on the sale of 35% of Compañia Peruana de Telefonos SA (CPT), including a capitalization percentage on CPT SA. The amount of the joint transaction allocated to a consortium led by Telefonica Internacional was USD 2 billion.

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Experience

Partner at Estudio Echecopar since 2000.

Partner, Estudio de Abogados Tovar, Dammert & Silva Santisteban, 1984 – 2000.

Chairman of the Telecommunications Technical Commission in charge of the preparation of the Peruvian Telecommunications Opening Guidelines to Competition, 1998.

Chairman of the Peruvian Agency for the Supervision of Enterprises and Stock Market (CONASEV), 1997 – 1998.

Chairman of the Market Access Commission of the National Institute for Defense of Competition – INDECOPI, 1996 – 1997.

Member of the Board of Directors of Telefonica del Peru, 1995 – 1997.

Chairman of the special Committee for Privatization of State Securities in the local and international Securities Markets, which performed local and international transactions, 1995 – 2001.

Chairman of the Special Committee for Privatization of the Peruvian Telecommunications Companies Compañía Peruana de Telefonos and ENTEL PERU, 1992 – 1994.

Member of the Board of Directors of Compañía Peruana de Telefonos (Peruvian Telephone Company), 1991 – 1994.

Member of the Board of Directors of ENTEL PERU S.A., 1991 – 1992.

Preparation of the Corporate Law on Spread Shareholders, 1991 – 1992.

Member of the Team responsible for the preparation of Peruvian Telecommunications Law, 1991.

Publications

- Co-author of the book International Private Law awarded a prize by Bustamante de la Fuente Foundation in 1987.
- Javier has also published several articles on matters of his specialty and has participated as speaker or panellist in seminars and forums.