

# Estudio Ehecopar.

Member Firm of Baker & McKenzie International



## Local practice

Regulatory

## Related legal services

Construction

International Arbitration

Public Law & Regulatory Disputes

Infrastructure

Power

## Languages

Spanish

English

## Estudio Ehecopar

Av. La Floresta 497

Piso 5 San Borja

Lima 41

Peru

## Maria del Carmen Tovar

---

Partner

Lima, Peru

+51 (1) 618 8551

[mariadelcarmen.tovar@bakermckenzie.com](mailto:mariadelcarmen.tovar@bakermckenzie.com)

## Biography

Maria del Carmen Tovar has participated in the process to promote private investment in companies and concessions both as counsel to the government and to bidders. She is recognized for her extensive knowledge of processes and contracts involving the State. She regularly acts as counsel in national and international arbitrations related to investments and public services and public works.

## Practice focus

Maria del Carmen has practical experience in concession agreements, government contracts and public service regulations. She has participated in processes for the promotion of company investments and concessions, representing both the state and bidders. Maria del Carmen regularly acts as an arbitration lawyer in relation to investment claims, public services, and construction agreements.

## Education

- Pontificia Universidad Catolica del Peru, Master Degree with Mention in Economic International Law, Lima, 2003.
- Universidad de Salamanca, Diploma in Corporate Counseling, Salamanca, Spain, 1996.
- Universidad Complutense de Madrid, Diploma in Advised Companies, Madrid, 1985.
- Pontificia Universidad Catolica del Peru, Law Degree, Lima, 1984.

## Memberships

- Sociedad Peruana de Derecho de la Construcción.

## Admission

- Lima Bar Association, 1985.

## Experience

- Partner at Estudio Ehecopar since 2000.
- Partner of Estudio de Abogados Tovar, Dammert, Silva Santisteban, 1984 – 2000.

## Representative legal matters

- Advised Republic of Peru. One of the largest investment arbitrations that Peru has dealt with. First arbitration under the Investment Chapter of the Peru – United States Free Trade Agreement. The case is related with the operations of Doe Run Peru’s Metallurgical Complex at La Oroya, in Peru and environmental matters. On July 15, 2016, the Tribunal issued a partial award rejecting all of Claimant’s claims for lack of jurisdiction since Renco presented an invalid waiver under Investment Chapter of the Peru – US FTA. Then, on November 9, 2016 the Tribunal issued a Final Award on costs.
- Advised Republic of Peru. ICSID arbitration under the Peru – United Kingdom BIT related to the South Pier Concession Contract (South Pier) and alleged unfair competition with the North Pier Concession Contract (North Pier) of the Callao Port. Claimants’ claim breach of fair and equitable treatment, discrimination and indirect expropriation for not been able to participate in the North Pier public tender for competition reasons.
- Advised the Ministry of Energy and Mines in the first international investment dispute against the Republic of Peru that has been settled during the amicable settlement period –before the initiation of the international investment arbitration before the International Centre for Settlement of Investment Disputes (ICSID)–. It must be highlighted that the execution of this settlement by the Ministry of Energy and Mines, required the approval of the Ministry of Economic and Finance and the President of the Minister’s Counsel. This matter sets a precedent regarding the Peruvian Government willingness to solve controversies using settlements before arbitrations.
- Advised Amazonas Energia S.A.C, an SPV formed by Construtora Andrade Gutierrez, in the development of the Lorena Hydroelectric Power Project in the Marañon river. It is estimated that the capacity of the project will exceed 400 MW –after some adjustments in the project development stage.
- Issued a legal opinion on the interpretation of the BOOT Concession Agreement, executed by REP and the Ministry of Energy and Mines, regarding a controversy about the technical specifications of the isolators used to build both Transmission Line 500 KV Mantaro–Marcona–Socabaya–Montalvo and Transmission Line 220 kV Friaspata– Mollepata, two of the most important transmission lines part of the Peruvian Guaranteed Transmission System (trunk transmission system).
- Advised Construtora Andrade Gutierrez, in the project to develop an important hydroelectric power plant in the Marañon River.
- Advised IBT Group in the development and implementation of several greenfield hydroelectric power plants in Peruvian highlands, after IBT were granted Renewable Energy Concessions.

# Estudio Echecopar.

Member Firm of Baker & McKenzie International

- Advising BTG Pactual on the financing of "Proyecto Eten" one of the first cold reserve generation plants in Peru.
- Estudio Echecopar advised Conduit Capital Partners in the acquisition of two solar projects in Peru.
- Counsel to Consorcio Transmantaro on the financing of Chiclayo Trujillo Transmission Line by means of new financing vehicles which needed deep regulatory review (201272013).
- Advised Centrais Eletricas Brasileiras S.A. – ELETROBRAS in concessions and permissions matters needed for the construction of a hydroelectric power station whose principal purpose will be exportation of electricity to Brazil, 2010.
- Advised Engevix Engenharia S.A. branch in Peru in the renovation of the Temporary Concession of the future Hydroelectric Power Station Paquizapango, 2010.
- Advised Centrais Eletricas Brasileiras S.A. – ELETROBRAS in its establishment in Peru, 2009.
- Advised a group of Brazilian companies in a project related with the exportation of electricity to Brazil, 2009.
- Advised Edegel and Edelnor on the possible negative effects on the electrical Peruvian market that originated with the approval of procedures related to the gas sector, 2009.
- Advised Electro Oriente S.A. in the approval process of the regulation (Distribution of Electricity Duty 2009–2013) with the purpose of questioning the establishment of rates realized by the regulatory organization, and to incorporate the additional rates of Electro Oriente S.A. into the operative costs, 2009.
- Advised ETECEN in a claim against the companies Electro Sur Medio S.A.A. and ELECTROPERU, in relation with the payment of the compensation for the use of ETECEN's transmission lines before the OSINERGMIN, 2009.
- Advised a hydroelectric company in relation with the overlapping of concessions and easements, 2009.
- Advised a Brazilian construction company, regarding the public illumination system and public electric service, 2009.
- Represented the Peruvian State, together with the American firm White and Case LLP, in the international arbitration before the ICSID for Aguaytia Energy LLC, 2009.
- Represented Empresa de Generacion Electrica San Gaban S.A., Empresa de Generacion Electrica Arequipa S.A., Empresa de Generacion Machu Picchu S.A. and Empresa de Generacion del Sur S.A. in the arbitration on the assignment of retirement of electricity without agreements presented by Energia del Sur SA – ENERSUR, against the Comité de Operacion Economica del Sistema – COES, 2009.

# Estudio Echecopar.

Member Firm of Baker & McKenzie International

- Arbitration between Empresa de Generacion Electrica del Sur S.A. – EGESUR and the Comite de Operacion Economica del Sistema – COES, regarding the procedure used for the retirement of the electricity without agreements, 2009.

## Additional information

### Publications

- Co–author of the book, Derecho Internacional Privado (Private International Law), which received a prize from the Bustamante de la Fuente Foundation in 1987.
- Maria del Carmen has published several articles on matters of her specialty and has participated as speaker or panelist in seminars and forums.

## Teaching experience

- She serves as Head Professor in several Specialization Courses in Construction Law and Arbitration as well as in Investment Law.
- Professor of Electricity at Pontificia Universidad Catolica del Peru.
- She has been lecturer of Private International Law (Private International Relations) at several universities. She was head of this course at Universidad Catolica, Universidad de Lima, and Academia Diplomatica del Peru.