

Nadiya Nychay

Partner



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Overview

Nadiya Nychay is a partner in the Brussels office and an expert on international trade law, dispute resolution, including in the WTO, and regulatory matters. In her practice, Nadiya draws on more than 20 years of experience in leading international law firms and as a legal officer at the WTO secretariat. She has been advising private clients, sovereign governments and international organizations on trade matters out of Brussels, Washington D.C. and Geneva. Due to her diverse background and experience, Nadiya has established herself as a leading authority on the WTO, EU regulatory and trade matters recognised as a leading practitioner in the field by Chambers Europe.

In Brussels, Nadiya has successfully represented major exporters as well as EU domestic industries in a wide variety of trade matters, including anti-dumping and countervailing measure investigations before the European Commission. Nadiya also advises global leaders in the steel industry, the energy sector (including renewable energy), the financial sector, and the pharmaceutical and agricultural industries on the applicability and compliance with relevant EU legislation and the WTO body of law. She also advises on matters involving government procurement, financial services and trade in goods arising under various free trade agreements, including the Comprehensive Economic and Trade Agreement (“CETA”), the United States-Mexico-Canada Agreement (“USMCA”), the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (“CPTPP”), and EU-Japan Economic Partnership Agreement (“EPA”), among others.

Apart from her international trade experience, Nadiya has also built a strong sanctions-compliance practice, which has been recognized by The Legal 500. Nadiya frequently counsels clients on the practical implications of the EU and UN sanctions on transactions relating to Iran, Syria, Russia and North Korea, appearing before regulatory authorities in the EU member states. Nadiya has also provided legal advice and analysis concerning the 2015 Iran nuclear deal (i.e. JCPOA), the US’ withdraw from the JCPOA, EU Blocking regulation and mechanisms, as well as on the Ukrainian sanctions on Russia.

Nadiya’s other regulatory work includes matters relating to FCPA compliance and the extraterritorial application of US trade control laws. Furthermore, with her strong background in EU regulatory law, Nadiya frequently advises on diverse matters such as the EU anti-money laundering rules, data protection, the EU export control regime, the Dual Use Regulation, air transport, chemicals (REACH), public procurement and energy trade and investment.

Prior to joining Dentons, Nadiya served for five years at the WTO advising Panels in the areas of subsidies, trade remedies and agricultural and industrial market access. In this capacity, she was directly involved in several

high-profile dispute settlement proceedings before WTO panels, including Airbus, Boeing, and United States zeroing. In addition, Nadiya also advised on various issues relating to the accession of China, Samoa, Kazakhstan, Ethiopia and Belarus to the WTO.

Experience

- **Foreign governments:** Advising on WTO disputes involving actionable subsidies, trade remedy measures (anti-dumping, countervailing duties and safeguards), market access commitments and commitments arising under Protocols of accession for new WTO members.
- **Foreign governments:** Advising on strategies for enforcing WTO commitments through WTO dispute settlement, including analysing WTO law, the likelihood of success multiple WTO actions, preparing claims and defenses.
- **Foreign governments and businesses:** Advising on trade remedy investigations in the US, Canada, China, India, Indonesia and Turkey.
- **Leading financial institutions:** Advising on the legality of € multimillion transaction vis-à-vis EU anti-money laundering instruments.
- **Leading European medical supplies and pharmaceutical company:** Advising on FCPA compliance, EU export controls and sanctions compliance.
- **Leading Turkish agricultural company:** Advising on EU sanctions compliance in the context of agricultural imports to sanctioned jurisdictions.
- **Leading Canadian corporation:** Representing in a matter involving exceptions to EU sanctions (Syria) before the competent authorities in the EU Member State.
- **Leading financial institutions, investment and wealth management companies:** Advising on sanctions compliance (Iran, North Korea, Russia).
- **Leading financial institutions and energy companies:** Advising on sanctions compliance (Venezuela).
- **Leading Chinese banks:** Advising on sanctions compliance (Iran).
- **Various European and Canadian airlines, leading automotive and transport companies:** Advising on exports controls and sanctions compliance (Iran, Russia).
- **Leading European historic theme park:** Representing in a matter involving sanctions compliance (Russia) before the competent authorities in an EU member state.
- **Various European businesses and corporations:** Advising on sanctions compliance (Iran).
- **Leading European investment company:** Advising on sanctions compliance in the context of a proposed acquisition of a fragrance manufacturer (Iran, Iraq, Lebanon, Libya, Russia, Sudan, Syria, Yemen).
- **Major European financial institutions:** Creating sanctions compliance solutions in relation to trade financing (Iran).
- **European asset management company:** Advising on sanctions compliance in the context of a potential joint venture (Iran).
- **Major international financial organization:** Designing sanctions compliance strategy (Iran).
- **International energy company:** Advising on sanctions compliance issues (Russia).
- **African telecom company:** Creating sanctions compliance solutions in the context of a joint venture.
- **Asian oil company:** Advising on sanctions compliance in the context of a financial transaction (Russia).

- **Global automobile manufacturer:** Advising on sanctions compliance issues (Iran).
- **Global manufacturing company:** Advising on international sanctions regimes (North Korea, Russia, Iran, Syria).
- **Global manufacturing company:** Advising on the impact of international sanctions (Russia).
- **Global chemicals manufacturer:** Advising on compliance with EU sanctions regime and export controls.
- **Leading European shipbuilding company:** Advising on sanctions compliance in the context of a possible joint venture.
- **Major international manufacturing company:** Advising on EU data protection policy under the General Data Protection Regulation (GDPR).
- **African group:** Advising on international sanctions impact (Libya).
- **International IT and Software company:** Advising on sanctions compliance in the context of a proposed cross-border technology transfer (multiple jurisdictions).

Recognition

- *Chambers Europe 2020:* Nadiya "approaches the matters in a simple way and is able to understand our practical needs," says one client. "She dedicates a lot of time to us," notes another impressed client.
- *The Legal 500, 2018:* Nadiya is "extremely responsive and attentive."
- *Expert Guides 2018:* Nadiya is ranked in International Trade

In the Media

- Quoted in "Morning Trade", Politico Pro, February 5, 2021, "*Belgian challenge to ECT: The hack hinges on the EU courts ruling that the ECT contradicts Union law just as in the Achmea case, according to Nadiya Nychay, a partner at Dentons Europe.*"
- Quoted in "Rumeur de retrait de l'ALÉNA: Trump peut-il le faire?", Les Affaires, April 2017
- Quoted in "Comment réagir à la montée du protectionnisme", Les Affaires, March 2017

Insights

- Co-author, "EU Sanctions Year-in-Review", March 11, 2021
- Co-author, "Sanctions Year-in-Review", Global report, March 8, 2021
- Co-author, "New European Union ("EU") approach to unilateral sanctions with extra-territorial effect , " February 1, 2021
- Co-author, "Upgrade of rules on trade of dual-use items," November 19, 2020
- Senior Helpdesk expert, Due Diligence Helpdesk on European sanctions for EU SMEs doing business with Iran, October 2020
- Co-author, Chapter "Can Autonomous EU Restrictive measures target EU person?," International Trade Law & Regulation, Sweet & Maxwell, Volume 26 Issue 3, 2020

- Co-author, "Sanctions in Europe", *WorldECR*, the journal of export controls and sanctions, 2020
- Co-author, "Sanctions Year-in-Review", January 17, 2020
- Co-author, "Sanctions Update: EU introduces a sanctions regime targeting cyber-attacks," June 26, 2019
- Co-author, "Sanctions Update: EU Commission adopts guidance on dual-use internal compliance programs," August 22, 2019
- Co-author, "Global Magnitsky sanctions and expanding anti-corruption and human rights enforcement authority," *A World of Change* page 31, *WorldECR*, December 2018
- Co-author, "Iran, Russie, USA: VIGILANCE sur les sanctions économiques et leurs conséquences!," October 2018
- "ICJ issues provisional measures in Iran sanctions case," Dentons client alert, October 11, 2018
- Author, "On the horns of a compliance dilemma: returning US secondary sanctions and the EU blocking statute," July 2, 2018
- Speaker, "Extraterritorial effect of sanctions," Crans Montana Forum, Brussels, Belgium, June 29, 2018
- Speaker, 11th Annual Update on WTO Dispute Settlement, Geneva, Switzerland, May 3, 2018
- Co-author, "Disputing and counteracting unilateral extraterritorial sanctions," April, 2018
- Speaker, "CETA: Access to public procurement markets at federal and provincial levels for services" Seminar "How small and big companies can benefit from CETA" September 2017
- Speaker, 10th Annual Update on WTO Dispute Settlement, Geneva, Switzerland, May 12, 2017
- Co-author, "The Comprehensive Economic and Trade Agreement between Canada and the EU: An Overview," February, 2016
- "Outlook for Iran's Oil Sector: Petroleum Contract versus Buyback Program," December 24, 2015
- Co-author, "World Trade Organisation," Trade and Customs chapter, August 26, 2015
- Co-author, "The Joint Comprehensive Plan of Action: a first look," July 17, 2015
- Co-author, "US and EU embargo Crimea, and US adopts new Ukraine sanctions law," December 29, 2014
- Co-author, "US and EU expand Ukraine-related sanctions: new energy sector restrictions," September 24, 2014
- Co-author, "No longer just gambling and alcohol: EU-Canada public morals decision on seal products may be a game changer," July 21, 2014
- Co-author, "The situation in Ukraine: new US and EU sanctions," April 2, 2014
- Co-author, "Solar panel case definite determinations", December 10, 2013
- Co-author, "Renewable energy and sustainable development at sustainable prices: EU - China solar panels deal," August 13, 2013
- Co-author, "Interpretation of Article 7(3) of the Energy Charter Treaty," 2012
- Co-author, "The advantage of membership - Alejandro Jara, Deputy Director-General of the World Trade Organization, comments on Kazakhstan's accession process," 2011

Activities and Affiliations

Presentations

- Speaker, EU Goods Sub-Committee, House of Lords, January 18, 2021
- Speaker, ERA online seminar on sanctions in the EU's external relations, December 3-4, 2020
- EU-Canada Business Summit 2020, virtual event, Canada-Europe Economic Chamber, September 30, 2020

Prior and Present Employment

- Partner – Dentons, Brussels (2016 to date)
- Counsel – Dentons, Brussels (2013 - 2016)
- Consultant and Legal Officer – WTO, Geneva (2006–2010, 2010-2011)
- Assisted Prof. J.H. Jackson, Georgetown University Law Center (2005-2006)
- Associate – Hammonds, Brussels (2001-2005)
- Fellow – ABA/CEELI “Ecopravo-Lviv”, Lviv (1995-1998)

Areas of focus

Practices

- Advocacy and Government Affairs
- EU Law and Policy
- Litigation and Dispute Resolution
- Public Policy and Regulation
- Trade, WTO and Customs
- Trade Sanctions
- Compliance

Issues and opportunities

- Iran Sanctions

Education

- Institut de Hautes Études Internationales et du Développement, 2011-present, PhD Researcher
- Georgetown University Law Center, 2006, LL.M.
- Institute of International Economic Law, 2005-2006, Fellow
- Vrije Universiteit Brussel, 2000, Master in de Rechten, Internationaal en Europees Recht
- Europa-Universität Viadrina, Juristische Fakultät, 1999, One-year non-degree program
- Lviv Ivan Franko National University Law Faculty, 1999, Law Degree

Admissions and qualifications

- Admitted to the Bar (List B), Brussels, 2014
- Admitted to the Bar, Ukraine, 2002

Languages

- English
- French
- German
- Italian
- Polish
- Russian
- Spanish
- Ukrainian