



大成 DENTONS

EU Sanctions 2018 Year-in-Review

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2018 in brief

2018 ended as it began as far as **Russia** sectoral sanctions are concerned. The EU prolonged its sanctions targeting Russia's financial, energy and defense sectors until July 31, 2019¹ due to "no progress"² on the implementation of the Minsk agreements, as well as alleged "escalation in the Sea of Azov"³ of Russian forces against Ukrainian ships. The Russia sectoral sanctions were introduced in July 2014 for one year in response to Russia's actions "destabilizing the situation in Ukraine" and have since been renewed every six months.

Also with respect to the Russia/Ukraine situation, the EU extended asset freezing measures until March 6, 2019⁴ against 13 persons responsible for the misappropriation of Ukrainian state funds and renewed sanctions adopted in response to the illegal annexation of Crimea and Sevastopol by Russia until June 23, 2019.⁵ Relatedly, on September 13, 2018, the EU prolonged sanctions over undermining the territorial integrity, sovereignty and independence of Ukraine until March 15, 2019.⁶

On November 25, 2018, the EU and the UK made a hopeful step towards winding down the **Brexit** saga by endorsing the withdrawal agreement and political declaration on the future relationship between the EU and the UK. Preparing for a no UK/EU future relationship agreement being in place by March 2019, the UK pre-emptively published a notice⁷ explaining how it will continue to implement sanctions on its own. This foresight paid out, as on January 15, 2019, the UK House of Commons rejected the Brexit deal by 230 votes.



- 1 This was the second extension of economic sanctions targeting specific sectors of the Russian economy in 2018. On July 5, 2018, the EU prolonged the economic sanctions until January 31, 2019.
- 2 <https://www.consilium.europa.eu/en/press/press-releases/2018/12/21/russia-eu-prolongs-economic-sanctions-by-six-months/pdf>.
- 3 <https://www.consilium.europa.eu/en/press/press-releases/2018/11/30/remarks-by-president-donald-tusk-before-the-g20-summit-in-buenos-aires-argentina/pdf>.
- 4 <https://www.consilium.europa.eu/en/press/press-releases/2018/03/05/misappropriation-of-ukrainian-state-funds-eu-prolongs-asset-freezes-against-13-persons-by-one-year/>.
- 5 <https://www.consilium.europa.eu/en/press/press-releases/2018/06/18/illegal-annexation-of-crimea-and-sevastopol-eu-extends-sanctions-by-one-year/>.
- 6 <https://www.consilium.europa.eu/en/press/press-releases/2018/09/13/eu-prolongs-sanctions-over-actions-against-ukraine-s-territorial-integrity-until-15-march-2019/>. This was the second renewal of sanctions against Ukraine's territorial integrity in 2018. On 12 March 2018, the EU renewed travel restrictions and asset freezes on individuals and entities undermining the territorial integrity of Ukraine.
- 7 <https://www.gov.uk/government/publications/sanctions-policy-if-theres-no-brexit-deal/sanctions-policy-if-theres-no-brexit-deal>.

On June 6, 2018 the European Commission adopted the **Iran “Blocking Statute.”** The Blocking Statute is a regulation, which aims to counter extraterritorial effects of the US sanctions legislation on EU economic operators engaging in lawful activity with certain third states. The current Blocking Statute update was prompted by the US unilateral decision on May 8, 2018 to re-impose sanctions against Iran, withdrawing from the 2015 Joint Comprehensive Plan of Action (JCPOA). The E3/EU+2 (China, France, Germany, Russia and the UK) and Iran have also

issued a Joint Statement committing to maintain and develop a Special Purpose Vehicle (SPV) to “facilitate payments related to Iran’s exports (including oil) and imports, which will assist and reassure economic operators pursuing legitimate business with Iran.”⁸

On January 31, 2019, Germany, France and the UK (E3) lived up to this commitment and set up **INSTEX – the long awaited payment channel with Iran.** INSTEX stands for “Instrument in Support of Trade Exchanges” and its purpose is to allow European business to trade with Iran despite US sanctions. Based in Paris, managed by the German former Commerzbank manager Per Fischer, and with the UK heading the supervisory board, the newly created INSTEX will initially only be used to sell food, medicine and medical devices in Iran. However, in the future, its scope may extend to cover all goods and services.

Finally, in 2018, the EU also renewed the sanctions regimes against **Syria** until June 1, 2019, in light of the ongoing repression of the Syrian civilian population⁹ and **Venezuela** until November 14, 2019, given the continuing deterioration of the situation in the country.¹⁰



8 https://eeas.europa.eu/headquarters/headquarters-homepage/51036/implementation-joint-comprehensive-plan-action-joint-ministerial-statement_en.

9 <https://www.consilium.europa.eu/en/press/press-releases/2018/05/28/syria-eu-extends-sanctions-against-the-regime-by-one-year/>.

10 <https://www.consilium.europa.eu/en/press/press-releases/2018/11/06/venezuela-eu-renews-sanctions-for-one-year/>.

2019 outlook

Brexit will continue to remain a sanctions-relevant topic in 2019, as with or without a deal, the UK will leave the EU on March 29, 2019. Although after the results of the vote in the House of Commons on January 15, 2019, a no deal scenario has become a very likely outcome; the other options such as revoking Article 50 or negotiating another extension cannot yet be ruled out either. While the UK already has its autonomous sanctions regime in place, its scope is limited to counter-terrorism measures adopted under the 2008 Counter-Terrorism Act and the 2010 Terrorist Asset Freezing Act. Therefore, to cater for the post-Brexit period, the UK enacted the 2018 Sanctions and Anti-Money Laundering Act (SAMLA), which provides a broad legal framework for UK's sanctions policy.¹¹ Although some EU/UK divergence in the sphere of sanctions may be inevitable, the EU and the UK are expected to maintain a close cooperation.¹²

The EU may not have uttered its last word on the non-reimposition of **Iran** sanctions in spite of its consistently pro-JCPOA position. For instance, the Government of Denmark's announced that it will be "heading efforts to have the EU discuss the need for further sanctions against Iran."¹³ This announcement was made after Danish security and intelligence services uncovered a plot by an Iranian intelligence agency to "assassinate a person on Danish soil." The Foreign Ministers of the Nordic countries—Sweden, Norway, Finland, Iceland and Denmark—issued a Joint Statement expressing "great concern"¹⁴ over this incident. Reacting to this and other similar concerns voiced by the Netherlands, on January 8, 2019, the EU imposed sanctions on an Iranian ministry and two Iranian nationals for their involvement in failed assassination attempts in France and Denmark. Against this background, it stands to reason that,



the availability of the INSTEX SPV solution in the future for trade in the goods other than food, medicine and medical devices would be premised on the non-imposition by the EU of further sanctions against Iran.

Conversely, when the initial European **Blocking Statute** was first put in place, the EU also filed a WTO complaint against the US. At that time, that approach ultimately resulted in the US waiving the most controversial extra-territorial sanctions with regard to EU persons. It is yet to be seen, whether or not the updated Iran Blocking Statute will indeed bring the US back to the JCPOA negotiating table.

Finally, the EU sanctions against **Russia, Syria** and **Venezuela** will reach their expiry date in 2019, and the EU is expected to review these sanctions with a view to a further renewal.

11 Pursuant to the SAMLA, the UK can, *inter alia*, (i) impose and revoke sanctions, either to implement UN sanctions or for other purposes such as international peace and security; (ii) add and remove people or entities from sanctions list; (iii) allow the UK courts to review sanctions decisions; and (iv) grant licences for controlled items on the basis of wider grounds.

12 Political Declaration Setting out the Framework for the Future Relationship between the European Union and the United Kingdom, paras. 99-100. The Political Declaration notes that "consultation on sanctions should include the exchange of information on listings and their justification, development, implementation and enforcement, as well as technical support, and dialogue on future designations and regimes."

13 <http://um.dk/en/news/NewsDisplayPage/?newsID=81E3E573-6F80-4BBE-910E-0D838FB1B6A1>.

14 <http://um.dk/en/news/NewsDisplayPage/?newsID=F8601D45-2300-4AE5-B202-95AF6219A541>.

EU sanctions programs



BACKGROUND

The EU sanctions (also referred to as “restrictive measures”) apply to any person inside or outside the territory of the EU who is a national of an EU member state. In addition, they apply (a) within the territory of the EU, including its airspace; and (b) with respect to any business conducted—even in part—in the EU.

Broadly speaking, EU sanctions can be divided into smart sanctions and sectoral sanctions. Smart sanctions prohibit all transactions or dealings with specific individuals and entities (“targets” or “EU blocked persons”), while sectoral sanctions target sectors of the economy or industries of a given country.

Smart sanctions virtually always include (1) asset freezes, where targets are denied access to their financial resources and accounts; (2) “no dealings” restrictions, prohibiting the making available, directly or indirectly, of funds or economic resources to targets; and (3) travel bans, where targets are

prohibited from entering into or traveling through any member state. Sectoral sanctions are generally both broader and narrower than smart sanctions. They are broader in the sense that they provide restrictions on transactions with a wider category of targets, i.e. an entire industry instead of one person or entity. They are narrower, however, in that they tend only to prohibit certain types of dealings and actions, for example providing new loans or making available specific resources instead of prohibiting all dealings with particular persons or entities.

Some sanctions bear characteristics of both smart and sectoral sanctions. Moreover, countries can be targeted by both smart and sectoral sanctions at the same time.

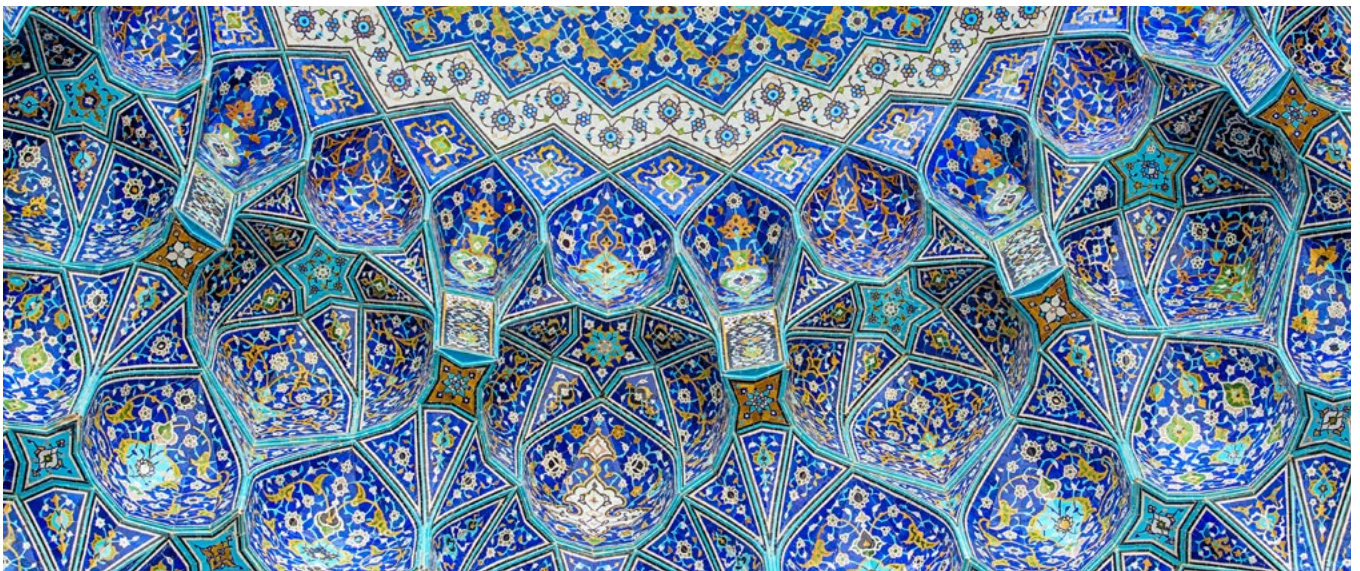
IRAN

While most EU sanctions on dealing with Iran have been lifted, some restrictions remain in place paralleling the surviving UN sanctions targeting Iran (restrictions on dealing in nuclear proliferation technology, dual use goods, military equipment, etc.)

EU legislation governing the nuclear-related sanctions¹⁵ remained in force after the lifting of international sanctions against Iran,¹⁶ although with considerably “less bite” than before. It contains asset freezes and travel ban provisions with respect to certain designated individuals and entities. In addition, the EU maintains two additional lists of designated individuals and entities that remain in effect: The first is related to human rights violations in Iran¹⁷ and the second to terrorism (this second list is not limited to Iranian individuals and entities, but several Iranian nationals are listed there.)¹⁸

Following the implementation of the JCPOA, EU individuals and entities may now:

- i. Transfer funds between EU and Iranian individuals and entities;
- ii. Open representative offices, subsidiaries, joint ventures or bank accounts in Iran;
- iii. Provide insurance and reinsurance to Iranian persons as well as the Iranian government;
- iv. Trade in Iranian crude oil and petroleum products, natural gas and petrochemical products, as well as engage in related financing;
- v. Seek financial support to engage in trade with Iran; and
- vi. Trade in gold and other precious metals, as well as diamonds.



15 Council Decision 2010/413/CFSP and Council Regulation 267/2012.

16 As part of the Joint Comprehensive Plan of Action, the EU, US and UN lifted significant elements of their nuclear-related Iran sanctions in exchange for Iran’s demonstrated commitment to pursue an internationally acceptable nuclear program.

17 See Council Decision 2011/235/CFSP of April 12, 2011 concerning restrictive measures directed against certain persons and entities in view of the situation in Iran (OJ L 100, 14.4.2011, p. 51–57), as amended; Council Regulation 359/2011 of April 12, 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran (OJ L 100, 14.4.2011, p. 1–11), as amended.

18 See Council Implementing Regulation (EU) 2018/468 of 21 March 2018 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) 2017/1420 (OJ L 79, 22.3.2018, p.7).

Finally, the EU sanctions with regard to Iran also prohibit engaging in any conduct the object of which is to circumvent the application of sanctions. Circumvention would occur, for example, if one were to seek to transfer business conduct outside the EU that would otherwise be prohibited by EU sanctions. Another example would be structuring a transaction in a manner that would exploit loopholes in the EU sanctions regulations with a view to escape their application.

In addition to the above, and as a reaction to the US' withdrawal from the JCPOA, the EU adopted a Blocking Statute aiming to counter extraterritorial effects of the US extra-territorial sanctions legislation on EU economic operators engaging in lawful activity with certain third states. As such, the Iran Blocking Statute covers four elements:

- i. A requirement to notify the European Commission if the economic and/or financial interests of an EU person are affected by specified US sanctions laws or by actions based thereon or resulting therefrom (Article 2);
- ii. A prohibition on the recognition or enforcement of any judgment of a court or tribunal or decision of an administrative tribunal located outside the EU giving effect to the specified US sanctions laws, or to actions based thereon or resulting therefrom (Article 4);
- iii. A prohibition on compliance "whether directly or through a subsidiary or other intermediary person, actively or by deliberate omission" with any requirement or prohibition based on the specified US sanctions laws, or actions based thereon or resulting therefrom (Article 5) (the Compliance Prohibition); and

- iv. An entitlement for an EU person to recover damages, including legal costs, caused to that person by the application of the specified US sanctions laws, or by actions based thereon or resulting therefrom (Article 6).

The foregoing requirements apply at all times, unless EU persons are authorized by the European Commission to comply with specified US sanctions laws on the grounds that non-compliance would seriously damage their interests or those of the EU. For that purpose, there is a mechanism for issuing authorizations to allow compliance with US extraterritorial laws.

Finally, the EU remains committed to set up the SPV or the special purpose vehicle as a virtual clearing house to process Iran-related transactions independently of the US and to encourage European companies to pursue business in Iran. Details on how the SPV will function in practice are expected in 2019, when the SPV will be adopted and will become operational. In the meantime, both the Iranian and EU governments watch concerned as EU companies exit Iran. One such alarming example is the Society for Worldwide Interbank Financial Telecommunication, commonly known as Swift, which is a network relied on by banks to funnel money all around the world and which caved in to US pressure and severed ties with Iran's central bank.



RUSSIA

The EU sanctions on Russia prohibit EU persons or persons within the EU sanctions' jurisdiction from, inter alia:

- i. Engaging (transacting or otherwise conducting business) in nearly all types of commerce (direct or indirect) with EU designated persons¹⁹ and, also;
- ii. Engaging in the prohibited transactions with EU sanctioned entities.²⁰

Generally, the former restrictions freeze assets, put travel bans in place and restrict EU nationals (natural persons and legal entities) from dealing with the listed Russian individuals. In contrast, the latter restrictions target specific transactions in four main sectors of the Russian economy, which:

- i. Limit access to EU primary and secondary capital markets for certain Russian banks and companies;
- ii. Impose an export and import ban on trade in arms;
- iii. Establish an export ban for dual-use goods for military use or military end users in Russia;
- iv. Curtail Russian access to certain sensitive technologies and services that can be used for oil production and exploration.

Moreover, EU sanctions against Russia also contain an anti-circumvention provision, stating that "it shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the applicable prohibitions."

¹⁹ EU "blocked persons" are designated by the so-called EU "smart sanctions" set out in Regulation 269; and Regulation 208.

²⁰ EU "sanctioned entities" are designated by the so-called EU "sectoral sanctions" set out in Regulation 833, as amended.

UKRAINE

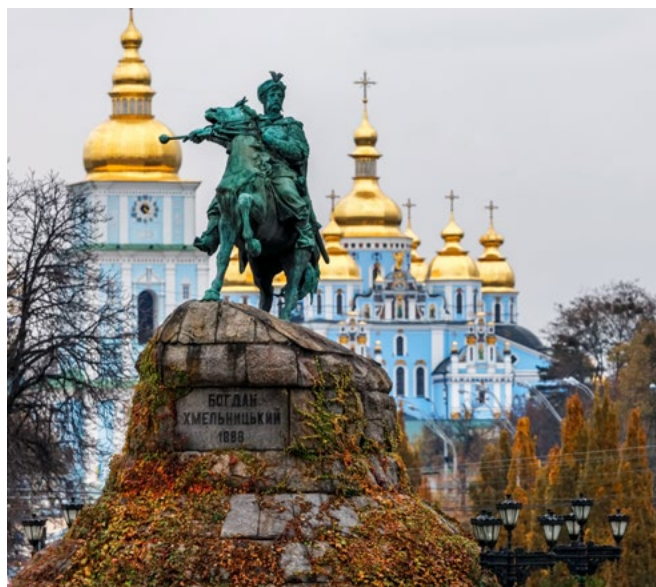
The Ukraine sanctions regime focuses on asset freezes applicable with respect to individuals responsible for the misappropriation of Ukrainian state funds.

CRIMEA

In response to the annexation of Crimea and Sevastopol by the Russian Federation, the EU adopted:

- i. An import ban on goods from Crimea and Sevastopol;
- ii. Restrictions on trade and investment related to certain economic sectors and infrastructure projects;
- iii. A prohibition to supply tourism services in Crimea or Sevastopol; and
- iv. An export ban for certain goods and technologies.

On June 18, 2018, the Council extended these measures until June 23, 2019.



LIBYA

The EU measures in force with respect to Libya include a restriction on dealing in equipment that might be used for internal repression and an arms embargo. Related assistance and training is also prohibited. Equally, the EU Libya sanctions regime imposes asset freezing measures on (1) the Libyan Africa Investment Portfolio (LAIP); and (2) the Libyan Investment Authority (LIA).

EU sanctions imposed in respect of Libya in 2011 have been withdrawn partially in the light of the overthrow of the Qaddafi regime. The first wave of sanctions was adopted in March 2011, with arms embargo and asset freezes. It has been amended many times since then also to consolidate all sanctions measures into a single regulation EU.²¹

EU expanded its Libya sanctions in 2017 to include vessels loading, transporting or discharging petroleum— including crude oil and refined products—for export from Libya.

Member states shall require their nationals, persons subject to their jurisdiction and firms incorporated in their territories, to exercise vigilance when doing business with entities incorporated in Libya or subject to Libya's jurisdiction, with a view to preventing business that could contribute to violence and the use of force against civilians.

SYRIA

The EU's Syrian sanctions²²—recently extended until 1 June 2019—impose:

- i. Export and import restrictions, including:
 - An export ban on equipment used for internal repression / eavesdropping;
 - An export ban on luxury goods;
 - An import ban on Syrian weapons;
 - An option for member states to prohibit or impose authorization requirements on the export to Syria of dual-use items (i.e., items that have both civil and military uses).
- ii. Sectoral sanctions on Syria's oil, gas and electricity industries.
- iii. Restrictions on the sale to / purchase from the Government of Syria of gold, precious metals and diamonds.
- iv. Smart sanctions on those designated as, among other things, responsible for the violent repression of the Syrian civilian population.
- v. Restrictions on dealing in Syrian bonds.
- vi. Restrictions on EU credit and financial institutions from dealing with Syrian credit and financial institutions.
- vii. Restrictions on providing insurance or re-insurance to the Government of Syria.
- viii. Restrictions on cargo flights from Syria.

With regard to smart sanctions, EU legislation authorizes competent member state authorities to license derogations from these restrictions on several bases, including for medical needs, medical treatment and for humanitarian relief.

²¹ The current EU legal framework for EU sanctions on Libya is established by Council Decision 2015/1333 (Decision) and Council Regulation 2016/44 (Regulation), which was adopted on the basis of the Decision.

²² Are found in Council Decision 2013/255/CFSP[14] (Decision 255) and Council Regulation (EU) No 36/2012 (Regulation 36).

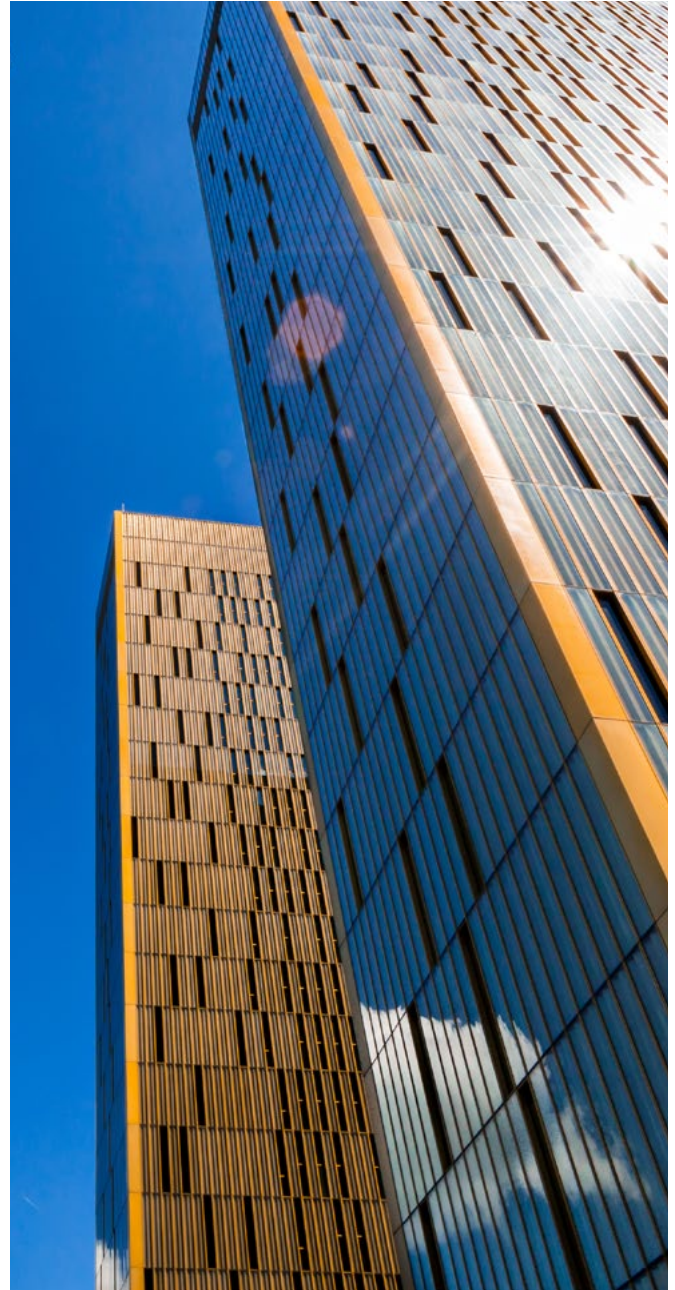
EU enforcement and jurisprudence

Penalties for breaching EU sanctions are imposed by member states, which are tasked with enforcing and administering sanctions provisions. As a result, administrative procedures and penalties for sanctions violations may differ across the EU. To facilitate access to sanctions-related documentation, the EU has set up the Financial Sanctions Database - FSF platform,²³ where companies and their counsel can consult and download the EU consolidated list of persons, groups and entities subject to EU financial sanctions.

Below we have highlighted some notable enforcement and licensing efforts by some EU regulators.

Between April 2017 and March 2018, the Office of Financial Sanctions Implementation (OFSI), the UK's competent authority responsible for implementing financial sanctions, received 122 reports of suspected breaches of financial sanctions, with a reported value of approx. 1.35 billion pounds.²⁴ While OFSI is entitled to impose monetary penalties for breaches and supports law enforcement agencies in criminal investigation, OFSI itself did not impose any monetary penalties during this period. However, OFSI is currently investigating a number of cases and, where appropriate, expects to impose monetary penalties in 2019. Moreover, OFSI is working on publishing several enforcement actions in 2019.²⁵

In the context of UK export controls enforcement, on November 22, 2018, three individuals were convicted for evading Iran export controls provisions.²⁶ In particular, the perpetrators shipped military items, including Russian MiG and US F4 Phantom jet parts and dual-use aircraft parts to Iran without the appropriate licenses.



²³ Accessible via the following address: <https://webgate.ec.europa.eu/europeaid/fsd/fsf>.

²⁴ OFSA Annual Review April 2017 – March 2018, p. 3, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746207/OFSI_Annual_Review_2017-18.pdf.

²⁵ Since its establishment in March 2016, OFSI has not publicized its enforcement actions. OFSI is re-considering this policy aiming to become more transparent about its activities and to strengthen overall sanctions awareness and compliance.

²⁶ HMRC, Press Release, *Pensioner jailed for trafficking fighter jet parts to Iran*, (22 November 2018), available at: <http://www.mynewsdesk.com/uk/hm-revenue-customs-hmrc/pressreleases/pensioner-jailed-for-trafficking-fighter-jet-parts-to-iran-2800983>.

The Federal Office for Economic Affairs and Export Control in Germany (BAFA) is expected to publish its 2018 annual report in the spring of 2019, at which point we will provide an update on its 2018 sanctions related activities. However, if 2017 can be considered as a benchmark, 2018 may have been yet another very busy year for BAFA. BAFA reported that in 2017 approximately 7,000 companies submitted almost 50,000 applications and queries. The value of planned exports authorized under BAFA's export control/sanctions amounted to approximately €20.4 billion in 2017. Rejected applications accounted for a total value of approximately €60 million.²⁷

In France, the cement company Lafarge SA was formally placed under French investigation. The charges are that between 2011 and 2014, one of its subsidiaries allegedly made payments to sanctioned militant groups, including ISIS, to ensure the continued operation of its Jalabiya cement plant in Syria.²⁸

Neighbouring France, Belgian authorities have announced that three Flemish companies—AAE Chemie (Belgian chemical group), Anex Customs and Danmar Logistics (two handling companies)—are being prosecuted for the unlicensed export of chemicals to Syria. According to the accusations, between May 2014 and December 2016, the three companies shipped 168 tons of isopropanol, 219 tons of acetone, 77 tons of methanol, and 21 tons of dichloromethane to Syria without export licences.

Also in relation to Belgium, in a Report published on September 5, 2018, the UN Panel of Experts for the Libya Sanctions Committee concluded that Belgium's Euroclear Bank had been in "non-compliance with the [UN-Libya] asset freeze." In essence, the Panel found that the bank had allowed for interest payments from the frozen funds of the former Qaddafi regime to be made available to bank accounts of the

Libyan Investment Authority in third countries until October 23, 2017.

The 2018 jurisprudence of the EU Courts was overwhelmingly unfavorable to plaintiffs challenging EU sanctions. Some more such notable examples include:

- The dismissal of Iran Insurance Company and Post Bank Iran damages claims for having failed to substantiate sufficiently the losses arising from their July 2010 to November 2013 EU Iran sanctions listings, which were annulled in September 2013;
- NITC and Tejarat had their re-listings upheld in spite of there being no change in factual circumstances since they had won their initial annulment challenges;
- The EU Court upheld sanctions on Russian defence company Almaz-Antey, arguing that the stated objective of the sanctions regime to increase the costs of Russian acts undermining the territorial integrity, sovereignty and independence of Ukraine, and to promote a peaceful settlement of the crisis was consistent with the objective of maintaining peace and international security, in accordance with the EU's external action objectives;
- Russian banks and energy companies²⁹ lost the argument that the sanctions imposed on them are unconstitutional; the Court finding that the sanctions were not an unjustified or disproportionate restriction of fundamental rights even though the targeted operators had no involvement in Russia's actions in Ukraine.

²⁷ http://www.bafa.de/SharedDocs/Downloads/DE/Bundesamt/jahresbericht_2017.html.

²⁸ <https://www.lafargeholcim.com/lafarge-sa-investigation-france>.

²⁹ Please see Cases T-798/14, T-732/14, T-734/14, T-737/14, T-739/14, T-715/14, T-735/14 and T-799/14.

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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.

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.

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.



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Nicoleta is a senior associate in Dentons' Brussels office. She focuses on international trade and EU trade policy, economic sanctions and trade controls including export and sanctions licensing and compliance issues.

In addition, Nicoleta has vast experience in EU Litigation, EU constitutional law and competition law, including merger control, abuse of dominance, cartel investigations and State aid cases covering a variety of sectors such as pharmaceuticals, media and technology, energy and natural resources.

Nicoleta has represented the Council of the European Union successfully in more than 25 anti-dumping and anti-subsidies matters and has litigated before the General Court and the Court of Justice of the EU in proceedings involving intellectual property rights, competition law and actions for damages.

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