

The Dutch have rejected the EU association agreement with Ukraine

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On 6th April a referendum was held in the Netherlands concerning the ratification of the EU association agreement with Ukraine. It was rejected by 61.1% of those who participated. The referendum was held on the initiative of the satirical and Eurosceptic weblog, GeenStijl, and was backed by radical right-wing and left-wing parties which are opposed to the EU. With voter turnout at 32.2%, the referendum is valid; however, it is not binding. Despite this fact the Dutch prime minister announced that it was not possible to proceed with the ratification of the EU association agreement with Ukraine at this time and that a decision would be made in the next few weeks regarding what further measures the government will make on this issue. The EU's actions is dependent on the decision of the Netherlands. The result of the referendum did not resonate widely in Ukraine, where the governmental crisis has been the focus of attention of society and politicians.

The association agreement and the Deep and Comprehensive Free Trade Agreement (DCFTA) have been ratified by the remaining EU countries. The Dutch parliament has also agreed to ratify it. However, following the announcement of the results of the referendum, the process of it entering into force has been suspended. The association agreement with Ukraine is being provisionally applied: its political section since 1st November 2014 and the DCFTA since 1st January 2016.

Commentary

- The vote against the EU association agreement with Ukraine was above all an expression of Eurosceptic sentiment in the Netherlands and a protest against what this section of the electorate feel to be an undemocratic decision-making process in the EU. The issue of the Netherlands' and the EU's relations with Russia was an essential element of the debate in the run up to the referendum, as were fears that the implementation of the agreement would deteriorate relations with Moscow, which is seen as an important economic partner. The pre-referendum campaign was targeted Ukraine's image. Opponents of the agreement presented the country as unstable, governed by a corrupt elite, and mired in a state of war. Concerns that the agreement will clear the way to EU membership for Ukraine were another vital factor since there is strong opposition to this in the Netherlands.

- The legal ramifications concerning the implementation of the EU association agreement with Ukraine following the result of the referendum will be quite limited. The implementation will not be stopped since this would lead to the entire EU neighbourhood policy being blocked (association agreements are its main instrument). The agreement will be further provisionally implemented until a solution is found (possibly only after parliamentary elections in the Netherlands in spring 2017). Possible changes will be rather cosmetic and may concern opt-out clauses for the Netherlands in the application of the political section of the document. The main section of the agreement regarding the free trade zone will be pursued regardless since trade policy is in the hands of the EU institutions, not the member states.
- Paradoxically, the result of the referendum may have a positive impact on the EU's decision to lift visas for Ukrainians. At present the EU is determined to mitigate the negative reception of the referendum and to make it impossible for Russian propaganda to exploit it in order to discredit European integration in the countries belonging to the Eastern Partnership. In this regard the European Commission is likely to lift short-term visas for the Schengen zone for Ukrainians.