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Year 2012

133

Act of 11 February 2012 establishing rules concerning the special duty of care for veterans (Veterans Act)

We, Beatrix, by the grace of God, Queen of the Netherlands, Princess of Orange-Nassau, etc. etc. etc.

To all who shall see this or hear it read, greetings! Be it known: Whereas we have considered in respect of veterans who have served the Kingdom of the Netherlands as service personnel in times of war or by participating in a mission to maintain or promote the international rule of law;
that recognition by Dutch society of the achievements of veterans and of the potential impact on their health of being deployed as a serviceman or servicewoman, and the appreciation due to veterans on account of their achievements must be promoted;
that the special care required by veterans and their relatives in connection with their deployment as service personnel must be guaranteed;
Thus it is that We, by the advice of the Council of State, and with the consent of the States General, have assented and understood as We hereby assent and understand:

Section 1 Definition of terms

In this act and in the provisions which are based upon it, the following definitions apply:

- a. *Our Minister*: Our Minister of Defence;
- b. *serviceman or servicewoman*: the military official in active service as defined in Section 1(1)(b) of the *Militaire ambtenarenwet* [Military Personnel Act] 1931, including the spiritual counsellors placed on an equal footing with professional military personnel;
- c. *veteran*: the serviceman or service woman, former serviceman or servicewoman, or former conscript, of the Netherlands Armed Forces, or the Royal Netherlands Indies Army, as well as any former conscripted members of the Merchant Navy who served the Kingdom of the Netherlands in times of war or who took part in a mission to maintain or to promote the international rule of law insofar as that mission was designated by order of Our Minister;
- d. *being deployed*: serving as a serviceman or servicewoman in times of war or participating as a serviceman or servicewoman in a mission as defined under c;
- e. *relation*: the spouse, registered partner or other life partner and relatives by blood or marriage in the first or second degree of the veteran;
- f. *material care*: the veteran's entitlements based on a statutory provision to pay or to provide benefits or schemes related to unemployment, sickness, incapacity for work, invalidity or death resulting from the performance of military service in the circumstances or on a mission as defined under c;
- g. *personal data, processing personal data, controller*: have the same meaning as in the Personal Data Protection Act.

Section 2 Recognition of and appreciation for veterans

1. Our Minister has a policy which is aimed at promoting recognition of the achievements of veterans, recognition of the potential impact on their health of deployment and promoting the appreciation due to veterans on account of their achievements.
2. In any case, rules shall be laid down under or pursuant to an order in council in respect of:
 - a. facilitating public and private initiatives pertaining to the recognition of and appreciation for veterans, including the Netherlands Veterans' Day;
 - b. the way in which veterans are enabled to show their status by means of, *inter alia*, the veterans' card and the veterans' commemorative badge;
 - c. facilitating veterans' and their relations' participation in events and reunions.

Section 3 Duty of care before and during deployment

1. Our Minister has a duty of care for service personnel on deployment. That duty of care means ensuring service personnel and their relations are properly prepared for a deployment and receive proper guidance during it.
2. To give effect to the duty of care mentioned in the first paragraph, rules shall be laid down under or pursuant to an order in council in respect of:
 - a. determining the fitness of service personnel for deployment;
 - b. preparing service personnel for the actual deployment;
 - c. providing social and medical assistance for service personnel during deployment;
 - d. assisting relations of service personnel during deployment;
 - e. informing service personnel and their relations of the health risks connected with deployment;
 - f. informing service personnel and their relations of the care available to them.

Section 4 Duty of care after deployment

1. Our Minister has a duty of care towards veterans who have been deployed. That duty of care means ensuring veterans and their relations receive proper assistance after a deployment has ended.
2. To give effect to the duty of care mentioned in the first paragraph, rules shall be laid down under or pursuant to an order in council in respect of:
 - a. providing social and medical assistance for veterans and their relations after a deployment;
 - b. helping a veteran to find another occupation where he or she is to be discharged;
 - c. organising events for veterans and their relations within the context of after-care;
 - d. facilitating the participation of veterans and their relations in events within the context of after-care.

Section 5 Special duty of care towards veterans

1. Our Minister has a special duty of care towards veterans requiring care as a result of deployment. That duty of care means ensuring veterans and their relations receive assistance in respect of their rehabilitation and reintegration and in respect of obtaining material care, social support or mental healthcare.
2. To give effect to the duty of care mentioned in the first paragraph, rules shall be laid down under or pursuant to an order in council in respect of:
 - a. organising the rehabilitation and reintegration of veterans and their relations;
 - b. providing veterans and their relations with assistance in respect of obtaining material care;
 - c. providing veterans and their relations with assistance in respect of obtaining social support or mental healthcare.

Section 6 Delineation of care

The duties of care defined in Sections 3, 4 and 5 are without prejudice to, and in line with, the material care based on statutory provisions related to unemployment, sickness, incapacity for work, invalidity and death, based on the Military Personnel Act 1931 or the *Kaderwet militaire pensioenen* [Military Pensions Framework Act] and care in the area of social support and mental healthcare.

Section 7 Income support scheme in relation to care

1. Our Minister shall arrange an appropriate income support scheme for as long as is necessary for the rehabilitation, reintegration and assistance of the veteran as defined in Section 5.
2. To implement the income support scheme mentioned in the first paragraph, rules shall be laid down under or pursuant to an order in council in respect of:
 - a. the conditions the veteran must meet to be eligible for the income support scheme;
 - b. determining the amount involved in the income scheme, taking as a basis a benefit amounting to 80% of the income he or she would normally have received by virtue of his or her occupation or business activity in the year preceding his or her registration with the office defined in Section 8(2)(c);
 - c. offsetting other income against the income support scheme sum.

Section 8 Collaboration in respect of veterans' care (Veterans' Office and care coordination)

1. By reason of the special duty of care defined in Section 5, Our Minister shall promote collaboration between the executive agencies involved in rehabilitation and reintegration and the provision of material care and the care institutions involved in the provision of social support and mental healthcare.
2. Following consultation with Our Minister of Social Affairs and Employment and Our Minister of Health, Welfare and Sport, rules shall be laid down under or pursuant to an order in council in respect of:

- a. arranging collaboration between the executive agencies involved in rehabilitation and reintegration and the provision of material care and the care institutions involved in the provision of social support and mental healthcare;
- b. where possible, attending to applications for, assessments of, and the granting and payment of benefits, pensions and schemes related to sickness, incapacity for work and invalidity;
- c. organising access to rehabilitation and reintegration services and material care, social support and mental healthcare by setting up an office for veterans and their relations;
- d. assigning care coordinators to provide the veteran and his or her relations with personal guidance in respect of rehabilitation and reintegration, material care, social support and mental healthcare.

Section 9 Veteran registration system

1. Personal data of the veteran are processed in the veteran registration system in order to allow identification of veterans and to enable veterans to be informed of the application of Sections 2 to 8 inclusive and for the purpose of scientific research. Our Minister shall be responsible for that processing.
2. Rules shall be laid down under or pursuant to an order in council in respect of the establishment and management of the veteran registration system and allowing personal data to be provided to third parties performing activities connected with the recognition of and appreciation for veterans.

Section 10 Scientific research

Our Minister shall promote scientific research into disorders which may be related to the performance of official duty in circumstances and on a mission as defined in Section 1(c).

Section 11 Amendment of the National Ombudsman Act

A

A new subparagraph (c) shall be inserted in Section 1 and the lettering of subparagraphs c and d changed into d and e, this new subparagraph reading:

c. veterans' ombudsman: the ombudsman in so far as he acts as defined in chapter II B, or the deputy ombudsman referred to in Section 9(1) appointed as such;

B

In Section 1d "or the Veterans' Ombudsman" shall be inserted after "Child Ombudsman".

C

In Section 9(1) "or the Veterans' Ombudsman" shall be inserted after "Child Ombudsman" each time it appears.

D

Section 10 shall be amended as follows:

1. In the first paragraph, "or the Veterans' Ombudsman" shall be inserted after "Child Ombudsman".
2. In the second to sixth paragraphs inclusive, "ombudsman or Child Ombudsman" shall be replaced by "ombudsman, Child Ombudsman or Veterans' Ombudsman" each time it appears.

E

The following chapter shall be added after Section 11e:

Chapter II B The Veterans' Ombudsman

Section 11f

For the purposes of this chapter, the following definitions apply:

- a. *veteran*: a veteran as defined in Section 1 of the Veterans' Act;
- b. *relations of a veteran*: relations as defined in Section 1 of the Veterans' Act.

Section 11g

1. The Veterans' Ombudsman is authorised:
 - a. in response to complaints or on his own initiative to investigate the conduct of an agency as defined in Section 11h(1) in a specific matter, unless Section 9:22 of the *Algemene wet bestuursrecht* [General Administrative Law Act] is applicable;
 - b. to give advice, solicited and unsolicited, to the government and both Houses of the States General on the implementation of the Veterans' Act and on policy which affects the proper treatment of Veterans;

- c. to monitor and analyse the way in which complaints of veterans or their relations are dealt with by the competent authorities, not being the ombudsman, and to inform the government and the Lower House of his findings.

Section 11h

1. A veteran or, acting on his or her behalf, a relation of a veteran, who believes he or she has not been properly treated by:
 - a. an administrative body as defined in Section 1(a);
 - b. a body of a legal entity, not being an administrative body, in so far as it:
 1. performs a duty concerning veterans provided for by or pursuant to an Act of Parliament; or
 2. otherwise performs a duty concerning veterans, may submit a complaint to the Veterans' Ombudsman.
2. A complaint about an administrative body as defined in Section 1a shall be regarded as an application as defined in Section 9:18(1) of the General Administrative Law Act.
3. An action of an employee of a legal entity as defined in the first paragraph, under b, carried out in the performance of his duties, shall be regarded as an action of that legal entity.

Section 11i

1. Section 15 and Title 9.2 of the General Administrative Law Act shall apply by analogy to the treatment of complaints about and an investigation conducted by the Veterans' Ombudsman on his own initiative into bodies of legal entities as defined in Section 11h(1)(b).
2. The reimbursement of costs referred to in Section 9:33 of the General Administrative Law Act shall be payable by the state where the investigation relates to a body of a legal entity as defined in Section 11h(1)(b).

Section 12 Amendment of the Military Personnel Act 1931

The Military Personnel Act 1931 shall be amended as follows:

The following Section 12n shall be inserted after Section 12m:

Section 12n

The discharge of a serviceman or servicewoman deployed as defined in Section 1(d) of the Veterans' Act shall not enter into effect until at least three months have elapsed since the day on which the serviceman or servicewoman returned from deployment, unless the serviceman or servicewoman expressly requests otherwise.

Section 13 Preliminary scrutiny

The preliminary scrutiny for an order in council to be issued pursuant to this Act shall not take place until four weeks after the bill is submitted to both Houses of the States General.

Section 14 Information

Within two years of this Act entering into effect, and thereafter every two years, Our Minister shall send a report to the States General on the practical effectiveness and effects of this Act.

Section 15 Short title

This Act shall be cited as: the Veterans' Act.

Section 16 Entry into force

This Act shall enter into force on a date to be determined by Royal Decree.

We hereby order and command that this Act be published in the Bulletin of Acts and Decrees, and that all ministries, authorities, bodies and officials whom it may concern shall diligently implement it.

Done at The Hague, 11 February 2012

Beatrix

The Minister of Defence,
J. S. J. Hillen

The Minister of Social Affairs and Employment,
H. G. J. Kamp

The Minister of Health, Welfare and Sport
E. I. Schippers

The Minister of the Interior and Kingdom Relations,
J. W. E. Spies

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The Minister of Security and Justice,
I. W. Opstelten

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