

Bulletin of Acts and Decrees of the Kingdom of the Netherlands

(UNOFFICIAL TRANSLATION – NOT AUTHORIZED BY THE MINISTER OF DEFENCE)

Year 2014

221

Decree of 17 June 2014 containing detailed rules concerning the special duty of care for veterans (Veterans' Decree)

We, Willem-Alexander, by the grace of God, King of the Netherlands, Prince of Orange-Nassau, etc., etc., etc.

On the recommendation of Our Minister of Defence of 12 March 2014, made in part on behalf of Our Minister of Social Affairs and Employment, Minister of Health, Welfare and Sport and Minister of the Interior and Kingdom Relations;

Having regard to Sections 2 to 5 inclusive and Sections 7 to 10 inclusive of the *Veteranenwet* [Veterans' Act] and Sections 12 and 12h of the *Militaire ambtenarenwet* [Military Personnel Act] 1931; Having heard the Advisory Division of the Council of State (opinion of 7 May 2014, No. W07.14.0070/II);

Having seen the detailed report of Our Minister of Defence, dated 5 June 2014, no. BS/2014007292, submitted in part on behalf of Our Minister of Social Affairs and Employment, Minister of Health, Welfare and Sport and Minister of the Interior and Kingdom Relations;

Have approved and decreed:

CHAPTER 1 RECOGNITION OF AND APPRECIATION FOR VETERANS

Section 1 Recognition and appreciation

1. Our Minister shall appoint an Inspector of Veterans whose task is to advise Our Minister on matters relating to veterans and to act as intermediary in individual matters for veterans.
2. Our Minister shall promote initiatives pertaining to the recognition of and appreciation for veterans by establishing a veterans' office to provide information and deal with requests concerning recognition and appreciation. The veterans' office shall also have the task of providing support and guidance for veterans and their relations as defined in Section 10 by facilitating, subsidising or making available staff, equipment or infrastructure to or for:
 - a. the *Stichting het Veteraneninstituut* [Veterans' Institute Foundation];
 - b. the *Stichting Nederlandse Veteranendag* [Netherlands Veterans' Day Foundation];
 - c. the *Stichting het Veteranenplatform* [Veterans' Platform Foundation];
 - d. a care home facility for veterans.

Section 2 Badges

1. The veteran shall be issued with the veterans' commemorative badge and the veterans' card as soon as possible after returning from a mission in order to enable him or her to show his or her veteran status;
2. Rules shall be laid down by ministerial regulation on the granting of any other badges.

Section 3 Events and facilities

The participation of veterans and their relations in events and reunions of military units shall be promoted in accordance with rules to be laid down by ministerial regulation by:

- a. causing operational commands to organise veterans' days
- b. providing reunion facilities for veterans' associations
- c. providing sports facilities, meeting-rooms, restaurants and messes at military locations.

CHAPTER 2 DUTY OF CARE BEFORE AND DURING DEPLOYMENT

Section 4 Determination of a serviceman's or servicewoman's fitness for deployment

1. Before a serviceman or servicewoman is designated for participation in a deployment, the commanding officer of the serviceman's or servicewoman's organic unit shall determine whether the serviceman or servicewoman is fit for deployment.
2. To that end, the commanding officer shall consult the social and medical team and receive advice on the medical, mental and social fitness of the serviceman or servicewoman. The advice of the military doctor in charge on fitness for deployment shall be binding.
3. The commanding officer shall ensure that service personnel whose fitness for deployment is temporarily impaired are offered care to improve their health and fitness for deployment.
4. The commanding officer shall ensure that service personnel destined for deployment are fit from a dental point of view and have received the required vaccinations.

Section 5 Preparation of service personnel for actual deployment

1. The Chief of the Netherlands Defence Staff shall ensure that service personnel designated for deployment take part in a proficiency training programme comprising at least a course geared towards the specific features of the mission and area of deployment and a training session geared towards the general features of a deployment.
2. The Chief of the Netherlands Defence Staff shall ensure that service personnel receive timely training in identifying and dealing with combat stress and are informed about hygiene and preventive healthcare in the area of operations.
3. The courses and training sessions shall at the very least provide the serviceman or servicewoman with an understanding of the care aspects of a deployment including:
 - a. the locations, duties and powers of care providers in the area of deployment;
 - b. the powers and responsibilities of commanding officers in respect of care in the area of deployment and what the serviceman or servicewoman may expect in this respect in the area of deployment.
4. The Chief of the Netherlands Defence Staff shall promote the serviceman's or servicewoman's participation in a deployment conference organised by the Spiritual Counselling Service aimed at supporting the serviceman or servicewoman and imbuing him or her with spiritual resilience.
5. The Chief of the Netherlands Defence Staff shall organise an information day for home front partners for the serviceman or servicewoman and his or her relations before the serviceman or servicewoman departs and encourage them to attend it.
6. Where operational necessity requires a serviceman or servicewoman to depart for an area of deployment at short notice and there is consequently insufficient opportunity for him or her to undergo the training and preparation referred to in this Section, the Chief of the Netherlands Defence Staff shall ensure that the serviceman or servicewoman and his or her relations are able to prepare as well as possible in another way and that they are provided with the necessary information and knowledge.

Section 6 Provision of information to service personnel and their relations

During the preparation defined in Section 5, the serviceman or servicewoman and his or her relatives shall be informed by the Chief of the Netherlands Defence Staff of the health risks involved in the deployment, the existence of the veterans' office referred to in Section 10 and the care available to the serviceman or servicewoman and his or her relations in this context.

Section 7 Social and medical counselling and spiritual guidance

1. Medical care and social and medical counselling shall be available during deployment to ensure the serviceman or servicewoman is provided with care.
2. The commanding officer of the deployed unit shall also assemble a care and assistance team.
3. Depending on the nature of the mission, the size of the unit and the assessment of the risks faced by the deployed unit, the care and assistance team shall be permanently at the scene or at the scene within 24 hours.
4. The care and assistance team shall advise the commanding officer in respect of the personnel's fitness for deployment, repatriation and serious incidents.

Section 8 Provision of assistance to relations of service personnel during deployment

1. During the deployment of a serviceman or servicewoman, the Chief of the Netherlands Defence Staff shall ensure that relations of the serviceman or servicewoman shall be informed and supported by means of the organisation of events where contact can be made with relations of other service personnel and information will be given.
2. The Chief of the Netherlands Defence Staff shall ensure that relations of the serviceman or servicewoman are provided with specific information and receive support in the event of emergencies.
3. Where necessary, relations of a serviceman or servicewoman may contact a welfare officer through the veterans' office referred to in Section 10. A helpline is available at all times through the veterans' office for urgent or serious situations.

4. In the event of serious incidents in the area of deployment, relations of the serviceman or servicewoman shall be provided with care where
 - a. in the event of the serviceman or servicewoman being seriously wounded or dying, the commanding officer of the serviceman's or servicewoman's organic unit or his representative and a welfare officer or spiritual counsellor shall visit the serviceman's or servicewoman's relations at the home address, with further support being provided in consultation with the serviceman's or servicewoman's relations;
 - b. in the case of incidents in the area of deployment other than those referred to under a., welfare officers shall provide the serviceman's or servicewoman's relations with information about the facts and, where requested, shall also provide personal support and guidance.
5. In the event of problems or incidents involving the serviceman's or servicewoman's home situation, the serviceman or servicewoman shall be informed in the area of deployment. In addition, welfare officers shall, where necessary, provide the serviceman's or servicewoman's relations with support in practical matters, including making contact with the relevant agencies.
6. Support activities such as a home front partner committee, a telephone circle and an information folder for the home front partner shall be developed through the Chief of the Netherlands Defence Staff. The home front committee shall be maintained for a period after deployment to be determined by the Chief of the Netherlands Defence Staff.

CHAPTER 3 DUTY OF CARE AFTER DEPLOYMENT

Section 9 The provision of social and medical support after a deployment has ended

1. For the first 18 months after the veteran's return the veteran and the relations shall receive proactive support through the Chief of the Netherlands Defence Staff.
2. Proactive support of the veteran shall be provided at least by means of an adaptation procedure comprising:
 - a. interviews geared towards discussing the mission and the veteran's personal experiences and mental condition;
 - b. the provision of information about the care available after the veteran returns;
 - c. an after-care questionnaire sent to the veteran after his return and whose purpose is to identify whether the veteran is experiencing symptoms or disorders;
 - d. feedback and review days where the emphasis is on meeting former colleagues and where the veteran can talk to the support service providers present.
3. Proactive support of the serviceman's or servicewoman's relations shall be provided at least by means of:
 - a. an after-care questionnaire for relations which is sent after the serviceman or servicewoman returns for his or her partner and whose purpose is to identify at an early stage potential symptoms, disorders or problems experienced by the veteran and his or her relations;
 - b. return days held after the serviceman's or servicewoman's return and where veterans' relations can meet the relations of other veterans.
4. Where appropriate, the veteran or his or her relations shall be offered help or referred for care.
5. At the end of the first 18 months, the Chief of the Netherlands Defence Staff shall encourage the veteran and his or her relations to attend feedback and review days which are usually organised in the form of a reunion.

CHAPTER 4 SPECIAL DUTY OF CARE FOR VETERANS

Section 10 Veterans' Office

1. The Veterans' Office referred to in Section 1 shall act as a care office for the veteran and his or her relations with a view to providing them with support and guidance.
2. The veteran and his or her relations may contact the Veterans' Office with any questions related to veteran status.
3. When they make a request for care, the veteran and his or her relations shall be assigned a care coordinator to inform them of how to obtain care and to provide them with the relevant support and guidance.
4. Quality requirements and conditions which the Veterans' Office, the care coordinator and the care plan must meet shall be set by ministerial regulation.

Section 11 National Care System for Veterans

1. There is a National Care System for Veterans comprising affiliated institutions in the area of mental healthcare, meaning mental and psycho-social care for veterans.
2. The National Care System for Veterans shall promote collaboration between the affiliated institutions.
3. The National Care System for Veterans shall contribute towards scientific research in the area of mental and psychosocial care for veterans.
4. The National Care System for Veterans shall ensure the coordination of an adequate range of treatments in the area of mental and psychosocial care for the veteran and his or her relations

5. Our Minister may prescribe detailed rules concerning the implementation of this Section.

Section 12 Social security legislation and the *Kaderwet militaire pensioenen* [Military Pensions Framework Act]

1. The Veterans' Office shall assist the veteran and his or her relations upon request with an application for a benefit based on social security legislation, a scheme based on the *Wet maatschappelijke ondersteuning* [Social Support Act], the Military Personnel Act 1931 or any entitlement based on the Military Pensions Framework Act.
2. The medical examinations required for a benefit or pension to be granted shall, where possible, be carried out concurrently.
3. The invalidity benefit based on the *Wet werk en inkomen naar arbeidsvermogen* [Work and Income (Capacity for Work) Act], the *Wet op de arbeidsongeschiktheidsverzekering* [Invalidity Insurance Act], the *Wet arbeidsongeschiktheidsvoorziening voor militairen* [Military Personnel Invalidity Insurance Act] and the military invalidity pension shall be paid on a combined basis through Our Minister.

Section 13 Reintegration

1. A veteran who is no longer in military service and no longer has a job or risks losing his job as a result of a disorder where a suspicion of a connection with the service as defined in Section 19 is assumed shall be entitled to assistance in finding work in accordance with the reintegration policy in force within the Ministry of Defence, if and in so far as he cannot rely on an employer.
2. The veteran shall receive support through the Veterans' Office with the asserting of the reintegration entitlement referred to in the first paragraph.
3. The right to the assistance referred to in the first paragraph shall not include finding work within the area of competence of the Ministry of Defence.
4. This Section shall apply by analogy to the veteran's relations.

Section 14 Rehabilitation

The Veterans' Office shall provide the veteran and his or her relations with support with respect to the veteran's rehabilitation by offering to act as intermediary in the obtaining of medical care within or outside the military rehabilitation centre and by offering the psychosocial counselling, care and assistance services they need.

Section 15 Social support

The veteran and his or her relations shall receive the necessary social care through the Veterans' Office.

Section 16 Scientific research

1. Our Minister shall promote the research defined in Section 10 of the Veterans' Act by, *inter alia*, making available funds for the scientific research defined in Section 11(3) of this decree and by granting subsidies to the Veterans' Institute.
2. Our Minister shall report annually to the States General on the results of scientific research as defined in Section 10 of the Veterans' Act.

Section 17 Duties of the Supervisory and Advisory Board

1. The Supervisory and Advisory Board advises Our Ministry of Defence with respect to scientific research in the area of disorders related to deployments for the benefit of the civil-military care system in place to assist veterans and for scientific research into disorders related to deployments.
2. The Supervisory and Advisory Board shall supervise the civil-military care system in place to assist veterans, promote collaboration between all parties and fields involved in the care system and shall advise the Minister thereon.
3. Our Minister may lay down detailed rules concerning the implementation of this Section.

Section 18 Military service victims

Chapter 4 shall apply by analogy to military service victims in so far as they cannot be deemed to be veterans.

CHAPTER 5 INCOME SUPPORT SCHEME RELATED TO CARE

Paragraph 1 General

Section 19 Definition of terms

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

incapacity for work: incapacity for work as defined in Section 4 or Section 5 of the Work and Income (Capacity for Work) Act, or Section 18(1) of the Invalidity Insurance Act;

interested party: a former serviceman or servicewoman as defined in Section 1(c) of the Veterans' Act who has not yet reached the age as defined in Section 7 of the *Algemene ouderdomswet* [General Old Age Pensions Act];

calculation basis for the income support scheme: the amount of the income the veteran would normally receive were he or she not sick or unfit for work in the year preceding his or her registration with the office defined in Section 11 of this Decree and which shall not amount to less than the sum mentioned in Section 7(4) of the Decree on supplementary incapacity for work and invalidity provisions for service personnel plus an 8% holiday allowance;

stabilised condition: the stabilised condition as defined in Our Minister's regulation laid down on the basis of Section 2(6) of the Military Pensions Framework Act;

social security legislation: the *Werkloosheidswet* [Unemployment Insurance Act], the *Ziektewet* [Sickness Benefits Act], the Work and Income (Capacity for Work) Act, the Invalidity Insurance Act, the *Zorgverzekeringswet* [Healthcare Insurance Act], the *Algemene wet bijzondere ziektekosten* [Exceptional Medical Expenses Act], the Social Support Act, or a scheme or income support scheme which in nature or scope is consistent with the aforementioned Acts;

suspicion of a connection with the service: a reasonable suspicion capable of objective assessment that the sickness or incapacity for work was caused by the performance of military service as a result of the deployment as defined in Section 1(d) of the Veterans' Act;

sickness: sickness as defined in Section 19(1) of the Sickness Benefits Act.

Paragraph 2 Entitlement to income support

Section 20 Income support

1. Our Minister shall grant income support upon request to the interested party who is sick or unfit for work and where there is a suspicion of a connection with the service established by Our Minister.
2. The income support shall amount to 80% of the calculation basis and shall be paid in monthly instalments.
3. The income support shall be reduced by the amount of income from an occupation or business activity or a benefit based on social security legislation.
4. In derogation of the provisions of paragraph three, income obtained during the period in which income support is received as a result of a work placement or trial placement shall not be deducted from the income support.
5. Income support shall be provided for a period of two years, counted from the date it was granted.
6. Income support shall be terminated where it is found that there is no sickness or incapacity for work caused by the performance of military service as a result of the deployment as defined in Section 1(d) of the Veterans' Act or where the reintegration programme has been completed. The income support received up to the date of any such finding shall not be reclaimed.
7. Income support shall be terminated where it is found by or on behalf of Our Minister that the interested party's condition has stabilised.
8. In derogation of the provisions of paragraph five and paragraph seven, the period in which income support is received shall be extended by a maximum of 12 months if the reintegration programme has not yet been completed.
9. In derogation of the provisions of paragraph five, the income support shall be extended if the condition has not yet stabilised.
10. Our Minister shall be authorised to extend the period in which income support is received in special cases where the application of this Section is resulting in what he believes to be an unfair outcome.

Section 21 Setoff

Where a benefit based on social security legislation is reduced, refused or limited in duration as a result of imputable acts of the interested party, for the purposes of the application of Section 20(3) the benefit shall still be regarded as having been received in full.

Paragraph 3 Obligations during the period in which income support is received

Section 22 Conditions attached to income support

1. An interested party who has submitted an application for income support or who is receiving income support shall, upon request or on his own initiative, provide Our Minister as soon as possible with all information, including information in connection with treatment and rehabilitation which, in the given circumstances, he should reasonably know could have an impact on the entitlement to income support or on the amount or payment of the income support.
2. An interested party who has submitted an application for income support or is receiving income support shall be obliged:

- a. to comply with any request to be present at a place to be determined by Our Minister to answer questions as defined in subparagraph b, to cooperate with an examination as defined in subparagraph c or to comply with the audit requirements defined in subparagraph d;
 - b. to answer questions put by Our Minister in connection with the entitlement to income support;
 - c. to cooperate with a medical examination by or on behalf of Our Minister;
 - d. to comply with the audit requirements set by Our Minister which are necessary for the correct implementation of the income support scheme;
 - e. upon request, to allow immediate inspection of a document relating to him as defined in Section 1(1)(1 to 3) of the *Wet op de identificatieplicht* [Compulsory Identification Act];
 - f. to undergo treatment considered adequate by general medical criteria for his sickness or incapacity for work;
 - g. to comply with reintegration rules set by Our Minister;
 - h. to comply with rules set or measures taken by Our Minister whose purpose is to enable the interested party to carry out appropriate work.
3. In the event of an imputable failure to comply with one of the obligations referred to in the previous paragraph, income support shall not be granted or shall be terminated in whole or in part.
 4. Income support shall be revived where compliance with the obligations referred to in the first paragraph is resumed if and in so far as the period in which the benefit is received, referred to in Section 20(5), has not expired.

Paragraph 4 Rights during the period in which income support is received

Section 23 Assistance and supplementary schemes

1. In the period in which income support is received, the interested party shall be entitled to:
 - a. assistance as defined in Section 13;
 - b. schemes for the purpose of maintaining, restoring or facilitating the possibility of carrying out work;
 - c. schemes for the purpose of improving living circumstances and medical benefits in kind if and in so far as the interested party is unable to rely on his employer or social security legislation for such.
2. In addition to the provisions of the first paragraph, the interested party may become eligible for supplementary support or other help in finding work as an employed person or work as a self-employed person.

Paragraph 5 benefit in the event of death

Section 24 Benefit

1. In the event of the death of an interested party receiving income support, a benefit shall be provided:
 - a. to the spouse or to the partner with whom the deceased interested party was cohabiting;
 - b. in the absence of a person as defined under a: to the child or children with an entitlement to child benefit;
 - c. in the absence of the persons as defined under a or b, to parents, brothers, sisters or children of the interested party if he was contributing substantially to the essential living expenses.
2. Where the first paragraph cannot be applied, Our Minister may use the benefit in whole or in part to defray the costs of the last illness and the burial or cremation of the interested party.
3. The benefit shall be equal to the amount of the income support granted to the interested party for a period of three months.

Paragraph 6 Incentive payment

Section 25 Entitlement to an incentive payment

1. An interested party who has been fully or partly reintegrated into employment as an employed person or employment as a self-employed person at the end of the income support scheme shall receive a one-off incentive payment equal to the amount of the income support granted to the interested party for a period of three months.
2. Full or partial reintegration into employment as an employed person or employment as a self-employed person shall be deemed to exist where the interested party has a post or contract of employment for a period of at least six months, or has orders as a self-employed person for at least six months.
3. In derogation of the provisions of the first and second paragraphs, the interested party with a post or contract of employment of at least three months' duration or who has orders as a self-employment person for at least three months shall be entitled to 50% of the incentive payment.

Section 26 Detailed rules

Detailed rules on the implementation of this chapter may be laid down by regulation of Our Minister.

CHAPTER 6 VETERAN REGISTRATION SYSTEM

Section 27 Structure

1. Our Minister operates a veteran registration system in which personal data concerning veterans are processed.
2. In the veteran registration system, personal data are processed as part of the Ministry of Defence's veterans' policy for the purpose of:
 - a. maintaining contact with veterans in the context of veterans' care;
 - b. providing veterans with information about suitable activities, facilities and schemes specifically intended for veterans within the veterans' policy;
 - c. providing persons and agencies with details about veterans for the suitable activities, facilities and schemes specifically intended for veterans within the veterans' policy which are supplied and organised by those persons and agencies;
 - d. scientific research;
3. Data shall not be processed for the purposes referred to in the second paragraph if the person concerned indicates he objects to such, other than to inform the veteran during a deployment of health risks subsequently discovered.
4. Further conditions may be attached to the processing of data for the purposes mentioned in paragraph 2, subparagraphs c and d, to ensure that processing is carried out exclusively for those specific purposes and takes place within the frameworks of the Ministry of Defence's veterans' policy.

Section 28 Data recorded

Only the following data concerning veterans shall be recorded in the veteran registration system:

- a. surname, initials, prefixes, sex, title, address, postcode and place, date of birth, place of birth and country of birth, and date of death;
- b. registration and record numbers, if available, such as the military serial number, navy number, employee ID, and identification numbers allocated by law exclusively for updating name and address details, necessary social support details and address details through the Persons Database;
- c. deployment details, such as details concerning the mission or operation, period of deployment, rank, job code and, where possible, the location during deployment;
- d. administrative details, such as an indication concerning implementation of the provisions of Section 27(3).

Section 29 Privacy protection

1. Our Minister shall keep records of the provision of data in accordance with the provisions of Section 27(2)(c and d).
2. More detailed conditions may be attached to the processing of data to ensure compliance with the *Wet bescherming persoonsgegevens* [Personal Data Protection Act] and this decree.

Section 30 Provision of data

1. Personal data recorded in the veteran registration system shall be provided only:
 - a. to persons and agencies responsible for or directing the activities referred to in Section 27(2) or which are necessarily involved therein;
 - b. pursuant to a statutory obligation.
2. In derogation of the provisions of the first paragraph, data referred to in Section 27(2)(d) may be provided to other persons and agencies in the event of urgent and compelling reasons and where the private life of the person concerned will not be harmed disproportionately. Provision shall take place only after the General HR Director of the Ministry of Defence has given permission.

CHAPTER 7 AMENDMENT OF OTHER REGULATIONS

Section 31. Abrogation of the Ministry of Defence Veteran Registration Regulation

The Ministry of Defence Veteran Registration Regulation no.: C/2006019485 dated 13 June 2006 is abrogated.

Section 32. Amendment of the Military Personnel (Supplementary Invalidation Benefits) Decree

1. The following new paragraph five is added to Section 7:
 5. There shall be no entitlement to an invalidity pension during the period in which there is an entitlement to the income support scheme related to care pursuant to Chapter 5 of the Veterans' Decree.

2. The following new paragraph seven is added to Section 11: 7. There shall be no entitlement to an invalidity pension during the period in which there is an entitlement to the income support scheme related to care as defined in Chapter 5 of the Veterans' Decree.

CHAPTER 8 FINAL PROVISIONS

Section 33 Hardship clause

Our Minister may exclude application of, or derogate from, periods, amounts and percentages mentioned in this Decree or where application, having regard to the importance of providing the veteran or his or her relations with proper care, will result in extreme unfairness.

Section 34 Entry into force of the Veterans' Act

The Veterans' Act shall enter into force on 28 June 2014.

Section 35 Entry into force

This Decree shall enter into force on 28 June 2014.

Section 36 Short title

This decree shall be cited as the Veterans' Decree

We hereby order and command that this Decree and the accompanying Explanatory Memorandum be published in the Bulletin of Acts and Decrees,

Wassenaar, 17 June 2014

Willem-Alexander

The Minister of Defence,
J. A. Hennis-Plasschaert

Published on the twenty-fifth of June 2014

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

The opinion of the Advisory Division of the Council of State and the accompanying documents shall be published by publication in the Bulletin of Acts and Decrees.

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EXPLANATORY MEMORANDUM

Introduction

Dutch veterans have served the Kingdom of the Netherlands in times of war or in comparable circumstances, and deserve recognition and appreciation for this. The aim of the veterans' policy is to increase society's knowledge of war and deployment experiences and the impact they can have on veterans and their home front partners, to promote public appreciation for veterans and to increase the sense of appreciation felt by veterans. The government shows recognition and appreciation by organising veterans' days, facilitating reunions, decorating veterans, and by providing a good care system. Society shows its recognition and appreciation in a wide variety of ways, ranging from the interest shown in the media, the passing on of knowledge about military deployment and the consequences thereof for home front partners, the interest shown by politicians at reunions and remembrance ceremonies, to the unveiling of memorials where the efforts (and sacrifices) of the service personnel involved are remembered.

The Veterans' Act gives direction to veterans' policy, veterans' regulations and veterans' initiatives. The care and benefit aspects are elaborated upon in this order in council.

The duty of care incumbent upon the Ministry of Defence as employer is set out in more detail in chapters 2, 3, 4 and 5. That duty of care includes determining a serviceman's or servicewoman's fitness for deployment, informing home front partners of the progress of the mission, organising the care office, providing coordinated care and temporary income support if no other source of income is available. A serviceman or servicewoman deploying must be physically and mentally fit. Furthermore, pursuing the military profession could have a major impact on health and personal well-being. To guarantee fitness for deployment and proper after-care, it is incumbent upon the Ministry of Defence not only to prepare the serviceman or servicewoman properly and train him or her before deployment, but also to provide care afterwards, i.e. from the time he or she joins the service until the time he or she leaves. Good employment practices require the presence of a social and medical team which has an insight into the fitness for deployment and well-being of the serviceman or servicewoman before, during and after deployment and acts accordingly. It also requires the serviceman or servicewoman to be prepared not only physically, but also mentally prior to a deployment, e.g. by teaching him or her how to deal with combat stress, moral dilemmas and preventive healthcare in the theatre of operations. As a rule, a deployment conference, to be organised by the Spiritual Counselling Service, will also be held. Finally, good employment practices also require the serviceman's or servicewoman's relations to be provided with support and information about the deployment and the care available.

Following his or her return from a mission, the veteran and his or her relations must have readily available and effective access to care. To that end, the Veterans' Institute current Central Access Point is being expanded. Under the direction and responsibility of the Minister, the care partners, the Veterans' Institute, National Care System for Veterans, the Minister as employer and the *ABP* [General Pension Fund for Public Employees] care office for military war and service victims will be working more closely together than before. A single and simple point of access to care makes it easier to help the veteran or his partner. A care coordinator addresses and forwards the request for help. The care coordinator also monitors the progress of the care. For veterans still in active service, the care and assistance is provided by military (health) care institutions. The Ministry of Defence, as the employer, is responsible for this.

A veterans' commemorative badge has been created to make the encouraged public appreciation for and recognition of veterans tangible in a symbolic way. The commemorative badge is designed in the shape of a sword and scabbard forming the letter V. The V stands for veteran, *vrede* [peace] and *veiligheid* [security] and symbolises the operations carried out by the veteran and the solidarity among veterans. By wearing the veterans' commemorative badge, veterans can recognise each other and are recognisable by society at large. The veteran can use the veterans' card to prove his or her veteran status in the Netherlands and abroad. The card is valid for life and entitles the holder to specific resources.

The provision of reunion facilities is one of the main features of the veterans' policy, as laid down in the "Coherent Care for Veterans" policy document (Lower House 1989–1990, 21 490, no. 2). In this context, the operational command units (the units) make a long-term contribution to maintaining the bond between the veteran and his or her unit or former unit, and to enabling the veteran to process his or her experiences concerning a deployment. That contribution comprises, among other things, organising reunions and making available a furnished conference room at a military location, free of charge. Other reunion facilities include contributing towards the costs of a meal if the reunion is held at a semi-military location and providing retired veterans with free public transport to enable them to attend such events.

There is also a veteran registration system. It ensures that every veteran is known to the Ministry of Defence, and means he or she can be kept up-to-date with matters that concern him or her. As for the privacy aspects, it is noted that this decree was submitted to the Dutch Data Protection Agency for advice. The decree and the explanatory memorandum were amended in response to the Agency's comments. This means the veteran registration system will not come up against objections from a privacy protection point of view.

Implementation

The ABP Defence Sector Special Regulations (*ABP/BRD*) is responsible for implementing the income support scheme. The implementation of the decree was agreed with the Ministry of Social Affairs and Employment and with the *UWV* [Employee Insurance Agency]. The administrator has stated that the income support scheme is capable of implementation. The administrator will also be involved in the further development of the implementing rules.

The Social Insurance Bank reports that no problems are anticipated with the implementation of the Veterans' Decree in so far as any could arise in relation to the *Wet buitengewoon pensioen zeelieden-oorlogsslachtoffers (Wbpzo)* [Seamen's Special War Pensions Act] as a result of a (purely theoretical) small overlap of the target group. This would involve one or two cases at most.

Explanatory notes on the individual sections

Chapter 1

Section 1

There is an Inspector of Veterans (*IDV*). Since 1991, this post, where the post holder fulfils the role of adviser and intermediary, has been performed by the Inspector General of the Armed Forces. The tasks and powers of the Inspector General of the Armed forces are set out in the Instructions for the Inspector General of the Armed Forces, laid down by the Royal Decree of 12 December 1963, no. 26, last amended by the Royal Decree of 30 June 1980, no. 110. His principal task is to provide the Minister of Defence with advice, solicited and unsolicited, on the care and after-care of veterans and the recognition of and appreciation for veterans, their home front partners and surviving relatives. The Inspector also represents the Minister of Defence at national and international veterans' activities. Finally, the Inspector acts as intermediary in individual matters relating to the relationship between a veteran and the Ministry of Defence, with the exception of cases where an appeal has been lodged and cases concerning criminal offences. The Inspector of Veterans is an intermediary, in other words, a complaint cannot be lodged with the Inspector of Veterans, but he can be asked to act as intermediary when situations and problems arise. The various administrators or the Ministry of Defence have complaints procedures in place for complaints. By providing intermediary services, the Inspector meets the need for a person who is outside the line organisation and is able to act as a knowledgeable intermediary both during and after life in active service.

The *Stichting het Veteraneninstituut (Vi)* [Veterans' Institute Foundation], formed in 2003, plays an important role in the implementation of the Ministry of Defence's veterans' policy in the area of recognition of and appreciation for veterans. The same also applies to access to the care system for veterans and their relations. Part of the *Vi*, the Veterans' Office is the place to go to for information in a variety of forms and for help with applications pertaining to recognition and appreciation, such as the veterans' card and veterans' commemorative badge. The Veterans' Office's care function is described in Section 10. Traditionally, the *Vi* is geared towards the veteran who is no longer employed by the Ministry of Defence, the retired veteran. With the introduction of the Veterans' Act, veterans in active service may also make use of the *Vi*. For instance, in collaboration with the *Stichting het Veteranenplatform (VP)* [Veterans' Platform Foundation], the *Vi* also provides information to the serviceman or servicewoman who is on the point of being deployed and will be a veteran upon his or her return. Since these activities are the responsibility of the Ministry of Defence as employer, no personal data are exchanged. Remaining in contact with one another after returning from a deployment, and also after leaving active service, is important not only for the sense of recognition and appreciation, but also for the provision of care. In addition, the *Vi* facilitates contact with partners in adversity by arranging and supporting relevant initiatives (such as the service known as baseline support), it assists with the issuing of the veterans' card, the provision of the veterans' commemorative badge and the veterans' handbook, provides free public transport to enable veterans to attend a number of veterans' activities, publishes a veterans' magazine and acts as a knowledge centre and research institution to support the veterans' policy. The *Vi* promotes the acquisition and dissemination of knowledge and conducting of research in the area of recognition of and appreciation and care for veterans. For instance, the *Vi* is already updating recent Dutch research in these areas. In addition, the *Vi* is one of the agencies which organises events which help to promote expertise among the various professional groups working with veterans. The *Vi* receives a grant to perform these tasks.

The *Stichting Nederlandse Veteranendag* [Netherlands Veterans' Day Foundation] (formed in 2009) is geared towards another aspect pertaining to veterans: promoting public recognition of and appreciation for veterans. The Foundation's principal task is to organise the annual Netherlands Veterans' Day. This is the day when veterans take centre stage and the public shows its appreciation for their achievements. In collaboration with the Veterans' Institute, the Foundation also organises, initiates and coordinates educational activities for pupils. Veterans are used as guest speakers in the classroom, a book containing source material is published and an educational website is maintained. The Foundation also runs a continuous publicity campaign to ensure the correct image of veterans is projected. Finally, the Foundation initiates and supports regional and local veterans' activities. To that end, the Foundation collaborates with, among others, the Association of Netherlands Municipalities and the Netherlands Association of Mayors. The Foundation receives a grant for performing these tasks. The Ministry of Defence sets great store by dialogue with veterans and veterans' groups. The *Stichting het Veteranenplatform* [Veterans' Platform Foundation] (formed in 1989) is an umbrella organisation, a partnership of

Dutch veterans' organisations which promotes collective communication with veterans. The Foundation is consulted about ideas and viewpoints and thus functions as a sounding-board. This is separate from the role and tasks of the Confederations of Public Sector Personnel as provided for in the Defence Sector Organised Consultations Decree. In addition, the Foundation represents the interests of affiliated organisations and coordinates the baseline support services for veterans. The Foundation also acts as an intermediary and point of contact in the area of veterans and veterans' matters for the government and other institutions. Finally, the Foundation represents the member associations at national and international events and consultation forums. The Foundation receives a grant for performing these tasks.

Veterans receive care from the moment they join the service until they die. One example of this is the Bronbeek Royal Home for Retired Military Personnel and Bronbeek Museum. This care home meets a veteran's desire to live with partners in adversity with a similar background.

Section 2

The commanding officer usually issues the veterans' card and the veterans' commemorative badge, together with the handbook for veterans. The Veterans' Institute Foundation ensures that the commanding officer receives the materials. The commanding officer is free to issue them during or on the occasion of what is known as a "medal parade".

Section 3

In view of the bond between a veteran and his or her unit or former unit, a reunion at a military location is the preferred option. If the commanding officer is unable to provide a suitable location, a semi-military location such as a home for service personnel, the Kumpulan [reunion and conference centre] on the Bronbeek estate or a military museum can provide an alternative venue. All this is set out in more detail in Reunion Facilities for Veterans, War and Service Victims and Retired Persons Regulations.

Chapter 2

Section 4

This section relates to the determination of service personnel's fitness for deployment. It is the commanding officer of the unit to which the serviceman or servicewoman belongs who determines whether he or she is fit for deployment when deployment is imminent. When determining fitness for deployment, the commanding officer is bound by the doctor's opinion on fitness for deployment. If the opinion is negative, the serviceman or servicewoman is not deployed. The details are laid down in the *DMG* [Military Healthcare Directorate] guideline 04 "Provision of advice in respect of service personnel with limited fitness for deployment".

A serviceman or servicewoman must be fit for deployment and this includes deployment to a foreign mission area. A deployment is accompanied by certain health risks. There is a good chance that the serviceman or servicewoman will be involved in combat operations and faced with shocking and disturbing experiences. The living conditions and medical facilities are also often fairly basic in a mission area. In this context, Section 12h(3)(b) of the Military Personnel Act 1931 provides that a medical or dental examination shall be carried out where such is deemed necessary because of a posting to specific areas. The military doctor in charge also examines the serviceman's or servicewoman's medical, mental and social fitness, already established during the medical check-up, by, at the very least, assessing the medical file and a questionnaire completed by the serviceman or servicewoman.

The social and medical team advises the commanding officer in respect of the serviceman's or servicewoman's fitness for deployment, on the reintegration process and on matters relating to his or her leaving the service. The social and medical team is made up of the personnel officer, the military doctor in charge of the medical care team, the welfare officer and the spiritual counsellor. This is a partnership within which advisers from various disciplines help to produce a complete picture of the serviceman's or servicewoman's fitness for deployment. The permission of the serviceman or servicewoman concerned is not required for his or her fitness for deployment to be discussed. He or she will be informed that such a discussion is taking place, though. A further discussion will take place in case of doubt over fitness for deployment. If a member of the social and medical team knows or suspects that deploying the serviceman or servicewoman could pose a danger to the serviceman or servicewoman, his or her immediate circle or the mission, that member is obliged to inform the commanding officer within the frameworks laid down for his profession.

When the military doctor in charge makes an assessment of fitness for deployment he or she considers whether there are any limitations as regards fitness for deployment on medical grounds. Where necessary, an additional interview or medical examination will take place. If there are medical limitations precluding deployment, the serviceman or servicewoman will, in principle, be given the necessary medical care to enable him or her nevertheless to participate in the deployment. Based on the advice of the doctor, it may also be decided not to deploy the serviceman or servicewoman (for the time being). Medical care also includes any dental treatments required.

The commanding officer ensures that the serviceman or servicewoman undergoes a medical examination prior to a deployment (Section 98 of the *Algemeen militair ambtenarenreglement* [General Military Personnel Regulations]). The serviceman or servicewoman also receives information about health risks and preventive measures. Where necessary, the serviceman or servicewoman will also receive additional vaccinations.

Section 5

Where it is established that the serviceman or servicewoman is fit for deployment, he or she is transferred to the Chief of the Netherlands Defence Staff who is responsible for ensuring service personnel are in a state of preparedness. Service personnel are informed of the probable date of departure and duration of the deployment in good time prior to being deployed. A serviceman or servicewoman designated for deployment undergoes a proficiency training programme comprising three elements. The first element is the individual training course where, among other things, the nature and purpose of the deployment is explained. Where necessary, that individual training course will include preparation aimed at the role to be performed during deployment (including, if necessary, a refresher course on handling his or her personal weapon and “*ZHKH*” [help yourself and then help your comrade]). The permitted use of violence (application of the laws of war) and associated moral dilemmas are also dealt with. This training course changes depending on the type of deployment because it is geared towards the specific features of the area of deployment. Matters such as the local climate, local customs and the culture of the area of deployment, specific health risks, etc. are considered. The second element is the training that takes place in groups and which sheds light on the general aspects of a deployment and, among other things, gives an indication of the care aspects of the deployment. The third element is the deployment conference organised by the Spiritual Counselling Service at the Beukbergen training centre. The deployment conference is geared towards supporting service personnel and making them mentally resilient.

The deployed serviceman or servicewoman is deployed in circumstances that are unpredictable beforehand. It is not always possible to determine in advance the physical and mental strain that will occur in such circumstances. That is why it is important that the serviceman or servicewoman is taught how to avoid and to recognise mental stress in himself or herself and in fellow service personnel. Since the living and working conditions in mission areas are different from and often more primitive than those in the Netherlands, information about specific hygienic measures is essential.

To enable him or her to perform well during a deployment it is important that the serviceman or servicewoman knows that his or her nearest and dearest are properly informed and supported. That is why home front care is inextricably linked to a deployment. Officials appointed by the Chief of the Netherlands Defence Staff organise a home front information day for service personnel and their relations before a deployment. During that event, information about the purpose of the deployment, the country to which they are being deployed and about the opportunities for communication between the service personnel and their relations is provided. A realistic assessment of the risks, both military risks and also physical, mental and health risks, is also given. Finally, the home front partners are provided with information about how to make contact, and who to contact, with requests for care and in emergencies.

Part of the training programme can be omitted if operational necessity requires a speedy departure. This could include the need suddenly to replace a colleague or instances where additional capacity is unexpectedly required. Such situations are exceptions where there is nevertheless sufficient confidence in the serviceman's or servicewoman's fitness for deployment. In such cases, every possible measure must have been taken to prepare the serviceman or servicewoman concerned as well as possible.

Section 6

The serviceman or servicewoman is provided with information during the proficiency training programme in the run-up to deployment. In addition to other matters, attention is paid to the aspect of illness and injury prevention (“hygiene and preventive healthcare”) and, where appropriate, handling protective equipment. A separate event covering aspects of a deployment relevant to them is organised for the relatives of service personnel. A welfare officer and a spiritual counsellor are present at this event. They provide information on the care their agencies can provide to relatives.

Section 7

In operational circumstances, like a mission, the social and medical team of a unit is supplemented with a psychologist and then referred to as a care and assistance team. The team members provide advice and care based on their respective disciplines and within the framework of their powers. The care and assistance team is on hand throughout a deployment. The team is made up of at least one doctor, welfare officer, psychologist and spiritual counsellor. In fact, this team functions in the same way as a unit's social and medical team in the Netherlands with the proviso that the actions arising from the *Wet Verbetering Poortwachter* [Eligibility for Permanent Incapacity Benefit (Restrictions) Act] are not part of the duties of the care and assistance team on deployment. The team advises the commanding officer or, if applicable, the “Senior National Representative” on

the personnel's fitness for deployment, repatriation on social or medical grounds and (serious) incidents. Depending on the nature and size of the unit and the risk assessment, this team can be deployed with the unit to be deployed or available in whole or in part at 24 hours' notice. The team is led by the commanding officer and meets at least once a week. If the commanding officer considers it necessary, the care and assistance team is expanded to include a personnel officer. A decision may be made to dispense with a permanently present care and assistance team on small-scale missions and to opt instead to "fly in" its expertise where necessary.

Section 8

Contact days and information events, including a mid-term day or family day are organised regularly during a deployment for the serviceman's or servicewoman's relations (the home front partners). Relations are also kept up-to-date with the progress of the deployment through a website. Magazines and newsletters of the branch of the armed forces focusing on the deployment are another source of information for them. In addition, a support services team is available at all times.

In the event of serious incidents in the area of deployment, active attempts will be made to contact the relation recorded as the first person to contact. This is done by, among other things, arranging for the welfare officer or spiritual counsellor to make a home visit. An offer of care is also made, if necessary. The nature of the care will depend on the nature and seriousness of the incident in the area of deployment. It could comprise the provision of more detailed information about the incident so relations are not solely dependent on media reports. It could also comprise personal support and counselling, primarily where the serviceman or servicewoman was directly involved in the incident. Finally, relations can state themselves whether they wish to receive support.

The welfare officer will notify the serviceman or servicewoman in the area of deployment if there are problems at home. Relations will also be offered help to resolve those problems. The coordinating operational command unit also provides specific information and assistance for relations in the event of emergencies. The Emergencies' Registration and Information System (*CRIS*) is used to deal with emergencies. The personal data processed in the *CRIS* are kept for a maximum of five years after the end of the mission. The situation centres of the operational command units are used to send information from and to the area of deployment.

A home front committee is set up for service personnel's relations. It is made up of volunteers who maintain contact between relations and support them, exchange information and serve as a support centre and point of contact. The home front committee is also at hand after the end of the rotation for which it was set up. A "telephone circle" is also set up by relations who have volunteered to do so. They are available to help with practical matters and to lend a listening ear.

Finally, relations receive written information about the deployment in the form of an information folder and brochures.

Chapter 3

Section 9

Proactive assistance comprises the social counselling of the veteran with the aim of identifying potential problems. Regular personal contact with the veteran is needed to be able to detect the signs. Proactive counselling requires the serviceman or servicewoman to be open to listing his or her care needs. Counselling is spread over one-and-a-half years after the end of a deployment. This does not mean that care ends after one-and-a-half years. The purpose of that deadline is to ensure that the activities described in this section actually take place within that period. Its implementation is constantly under development based on the latest findings in science and new options available. At present, the programme for returnees is made up of the following components. There are usually two debriefing or adaptation interviews in a group context, soon after leaving the mission area, for example during the two-day adaptation period and before arrival in the Netherlands (CDS A-125). The first debriefing interview is geared towards the operational side of the mission. The personal experiences of the serviceman or servicewoman are the subject-matter of the second interview.

The individual feedback and review interview takes place with the welfare worker three to four months later. The purpose of that interview is to monitor and foster mental fitness and interpret experiences. If the serviceman or servicewoman does not respond to the invitation to the interview, he or she will be contacted again. The names of those who do not return the completed questionnaire after a repeated request are recorded. The military doctor in charge will bring up the deployment during an appointment during surgery hours, and no later than before the next deployment, and otherwise when the serviceman or servicewoman leaves the service.

As soon as a completed questionnaire gives cause for doing so, the military doctor in charge or the welfare officer will telephone the veteran and record the outcome of the conversation. If the telephone is not answered, another telephone call will be made followed, if necessary, by a written invitation. The questionnaire is discussed during the next meeting between the doctor or welfare officer and the person concerned. The Chief of the Netherlands

Defence Staff is responsible for arranging feedback and review days for veterans and their relations. A separate feedback and review day is held for service personnel deployed individually by the unit to which they belong.

The questionnaires are sent to the serviceman or servicewoman with an invitation for him or her and his or her partner to complete them. The veteran and his or her partner complete their own questionnaires. The welfare officer may provide the veteran and his or her partner with help based on the completed questionnaire.

The feedback and review days are open to the veteran and his relation(s). Relations can meet each other, exchange experiences and make contact with care providers on those days. The veteran and his or her relations can also take part in reunions organised by the deployment section and not specifically geared towards the deployment concerned in addition to and after the feedback and review days.

Chapter 4

Section 10

The Veterans' Office was formed in order to, alongside the task referred to in Section 1, implement the Ministry of Defence's special duty of care towards veterans and their relations and towards military war and service victims. Relations also include veterans' ex-partners.

The Office is part of the Veterans' Institute Foundation (*Vi*). It has taken over the services provided by the Central Access Point. In addition, the other services provided by the *Vi*, the emergency 24-hour help service provided by the *LZV* and the care coordination of the Care Office for Military War and Service Victims (operated by the *ABP* Defence Sector Special Regulations) are also directly accessible through the Office.

As a front desk, the Veterans' Office provides access to rehabilitation, reintegration, material care, social support and mental healthcare for veterans on active service and retired veterans and their relations. The Veterans' Office records the requests and forwards them to the appropriate authority. The Office is open during office hours for questions that are not related to the provision of care (e.g. a question about where a veterans' badge can be obtained). The Veterans' Office can be contacted at any time, day and night, for urgent requests for care. Urgent requests for care are handed over directly to a support service provider. Non-urgent requests for care are forwarded to the care coordinator who ensures they are passed on to a support service provider.

The care coordinator is assigned to the veteran and draws up with him or her and, possibly, his or her partner, a care plan, going on to initiate and monitor its implementation. The care coordinator is not a support service provider and works independently of the agencies dealing with the case. The care plan mentions the request for care and the agencies providing care. It is not a treatment plan. Care is the entirety of material care (pension, etc.) and treatment care (primary or secondary healthcare including psychosocial treatment). Treatment care is subject to the professional secrecy of the practitioner concerned. The practitioner or practitioners is or are responsible for the treatment plan. With the veteran's permission, the care coordinator monitors the process surrounding the treatment.

Section 11

The veteran requiring mental healthcare often has to deal with several agencies. There will be occasions where an agency treating him takes some time to recognise him as a veteran because his symptoms have not made themselves known until years after a deployment. In terms of receiving adequate care, the veteran benefits from collaboration between civil and military care providers. That is why the National Care System for Veterans (*LZV*) was formed. It is a partnership between several care institutions each of which has dealings with veterans in its own capacity, from readily accessible primary counselling to the (specialised) secondary clinical care provided by mental health institutions. The coordinated structure puts the veteran centre stage.

The *MGGZ* [Military Mental Healthcare organisation] provides mental healthcare including psychological and psychosocial care for service personnel on active duty and for veterans with a deployment-related request for help and, to that end, is part of the National Healthcare System for Veterans (*LZV*). A further task of the *MGGZ* is to conduct scientific research into deployment-related problems. Patient-based research is also carried out in order to improve the quality of care within the *LZV*.

Section 12

The Veterans' Office informs the veteran and the military war and service victim of the scheme and/or benefit to which he or she might be entitled and helps him or her to apply for them.

Benefits may be interlinked. For instance, the General Pension Fund for Public Employees (*ABP*) grants an invalidity pension once the Employee Insurance Agency (*UWV*) has established a specific degree of incapacity for work. *UWV* information can also be important to the determination of the military invalidity pension. Examinations by a doctor engaged by an insurance company which are largely the same in content are required for both

benefits. To minimise as far as possible the burden on the veteran and the military war and service victim, any medical examinations that prove necessary are conducted concurrently. This requires coordination and collaboration between various examination bodies.

UWV benefits under the Work and Income (Capacity for Work) Act, the Invalidity Insurance Act, the Invalidity Insurance (Self-Employed Persons) Act and the Invalidity Insurance (Young Disabled Persons) Act are paid jointly with the military invalidity pension by the *ABP*.

Section 13

The Ministry of Defence's reintegration policy is applicable to the veteran still in active service. This policy is geared towards helping employees to move from one job to another. A reintegration programme is continued for as long as it is useful, even if the serviceman or servicewoman has already left the service. A programme is terminated once another job has been found or it has been established that it would not be worthwhile to continue it. Having regard to Section 1(2) of the Military Personnel Act 1931 and the Veterans' Act, this reintegration policy is also applicable to retired veterans where three conditions are met: there is a reasonable suspicion capable of objective assessment that the incapacity for work was caused by the performance of the military activity, he or she has lost his or her job or is at risk of losing it and there is no entitlement or no further entitlement to reintegration assistance from another employer. However, the Minister is not obliged to reintegrate a veteran who is no longer employed by the Ministry of Defence within the Ministry of Defence organisation.

The Ministry of Defence may also offer reintegration assistance to the partner of a veteran no longer in active service where the cumulative conditions that the veteran's sickness absence was probably caused by the performance of the military activity, the partner is consequently at risk of losing his or her job and is not entitled or is no longer entitled to reintegration assistance from his or her own employer or the *UWV*, or that additional activities are required, are met.

Section 14

Rehabilitation precedes reintegration. The active veteran is rehabilitated by the Ministry of Defence. This is not always the case for the veteran no longer in active service. In such a situation, the Ministry of Defence will act as an intermediary for the veteran in dealings with organisations registered in the Netherlands which are geared towards obtaining the rehabilitation care registered in the Netherlands. The Minister promotes access to rehabilitation care by holding consultations with the sector association.

Section 15

The Veterans' Office directs requests for help falling within, among others, the scope of the *Wet maatschappelijke ondersteuning (WMO)* [Social Support Act], e.g. home modifications, to local authorities and enters into consultations with them about the necessary provisions. Where necessary, the care coordinator will be assisted by an occupational consultant from the Ministry of Defence to enable a substantiated proposal to be made and to examine where the military legal status (Military Pensions Framework Act) could play a complementary role. As its name suggests, the *WMO* is applicable here.

Section 16

The Minister of Defence promotes scientific research and reports on this annually to the House. This Section is a basis for targeted scientific research connected with care for veterans and disorders suffered by veterans.

Section 17

The Supervisory and Advisory Board for the civil-military care system for providing support services to veterans and conducting scientific research into disorders related to deployments (*RZO*) is the independent adviser and supervisory authority for the civil and military care system. The *RZO* was established by the minister with the Decree establishing the Council for Civil-Military Care and Research of 5 July 2007, no. P/2002012915

The *RZO* provides the Minister of Defence with advice, solicited and unsolicited, on scientific research into deployment-related disorders. The *RZO* is responsible for the necessary convergence between research projects. It is assisted in this by a programme advisory committee.

The *RZO* is also responsible for supervising the care pathway within the National Care System for Veterans. To that end, it enters into agreements with the Healthcare Inspectorate and the Military Healthcare Inspector.

Section 18

The care provided for military service victims is also coordinated by the Veterans' Office. They need the same care and have the same financial entitlements as disabled veterans, except for the income support scheme and what is known as the Debt of Honour.

Chapter 5

Section 19

The definition of terms mentioned here are specifically applicable to chapter 5. The definition of an interested party indicates that the income support scheme referred to in this chapter applies only to the veteran who is no longer in active service and has not yet reached state pension age. Military legal status with at least 70% of the pay applies to the veteran in active military service. The term income when used in relation to the income support scheme means the definition of income for tax purposes.

A determination is made on behalf of the Minister as to whether there is reason to presume a connection with the service. A physical medical examination is not required here, but information supporting the presumption is. The information may consist of the fact that the serviceman or servicewoman did in fact take part in a deployment and suffered a trauma during that period, something which can be inferred from an official report of an accident or another report of an incident during deployment. Medical information from the sector handling the case may also constitute evidence. A quick and simple test will therefore suffice to substantiate a presumption of a connection with the service.

Section 20

The income support scheme can act as bridging assistance in situations where a connection with the service is presumed but no other entitlement to assistance has been established. This could be the case where, for example, the result of a medical examination is not yet available. The income support scheme is complementary in nature. The amount of the benefit is reduced by virtue of other income of the person concerned. Income supplements such as the healthcare benefit, childcare allowance and housing allowance are not included in the income by virtue of which the benefit is reduced. Income from work placements and trial placements is not deducted from the income support scheme so as to encourage the interested party's participation in the labour market.

The income support scheme ends after two years. Practice has shown that at the end of this period a stabilised condition will usually have been reached and that the final assessment and granting of entitlements connected with the military invalidity pension can be carried out. There are a number of exceptions to the two-year period. First, the income support scheme will end earlier if it is established that there is no connection between unfitnes for work and the performance of military service. The income support provided will not be reclaimed in such a case because the person concerned could reasonably have been unaware that he or she was not entitled to the income support since it had been presumed that there was a connection with the service. The income support scheme will also end earlier if the person concerned is in a stabilised condition because, in that case, he or she can rely on a military invalidity pension. The income support scheme can also end at a later time than after two years if a stabilised condition has not yet been reached. The period for which income support is provided may be extended by the time it is expected will be required before a stabilised condition is reached. The fact that a stabilised condition has not been reached does not necessarily mean that no reintegration activities need to be carried out. Depending on the workload capacity of the veteran, he or she can be expected to make efforts to obtain a new position.

The income support scheme may be extended by 12 months if, after the expiry of the initial two-year period or when a stabilised condition has been reached, the reintegration programme is yet to be completed or, as the case may be, is yet to start.

Finally, it may be determined in cases of exceptional hardship that the income support scheme period should be extended. Such cases could include situations where although the interested party has reached a stabilised condition, he or she and his or her family would find themselves in a very unstable social and financial position were the income support scheme to end. In principle, an extension on the basis of this principle is limited in time. During that period there must be a prospect of a stable income for the interested party and his or her family, whether or not from benefits or employment. The fact that other social insurance benefits provide for smaller benefit percentages or amounts is not in itself any reason to extend the income support scheme period.

Section 21

Where a social security benefit is reduced or refused owing to the imputable acts or omissions of the interested party, the reduction or refusal is disregarded in the determination of the amount of income support to be granted. The income support is also reduced by the income which the interested party lost through his or her own fault. Consideration is given in the assessment of culpability as to whether, and to what degree, the disorder presumed to be connected to the service contributed to the imputable acts. Where there are no imputable acts, the benefit is not reduced by the lost income.

Section 22

This Section contains the normal obligations included in social security legislation which the interested party must meet in order to be and to remain eligible for the income support scheme. In addition to the duty to disclose

information, the duty to provide proof of identity, the duty to cooperate with the medical examination and the duty to take part in a reintegration programme, the interested party is bound to obtain adequate medical treatment for his or her sickness or incapacity for work. In the case of psychological complaints, treatment by one of the institutions of the National Care System for Veterans (*LZV*) is considered to be adequate by generally accepted standards. Where adequate treatment is refused and that refusal was prompted on medical grounds which cannot be attributed to the interested party, this shall not affect the granting of the income support.

Where the interested party makes use of his or her right to block his or her personal data or refuses to authorise the obtaining of (medical) information, it will not be possible to determine entitlement to income support, or the income support, in so far as already granted, may be cancelled.

Section 23

Where the employer or benefits agency (Social Insurance Bank, *UWV*) is unable to offer him or her any sheltered employment or living facilities, the interested party may ask the Ministry of Defence for help for as long as the income support scheme is still running. The practical and financial support for a serviceman or servicewoman in active service will then be available to him or her. This is the assistance referred to in the *Voorzieningenregeling voor militaire oorlogs- en dienstslachtoffers* [Benefits Scheme for Military War and Service Victims]¹. It entails, among other things, the interested party being helped to find suitable work through the engagement of a reintegration firm.

Section 24

In the event of the death of an interested party entitled to income support, his or her (registered) partner is entitled to a death benefit amounting to three months' income support. Where applicable, the purport and wording of this Section is in line with Section 118a of the *Algemeen ambtenarenreglement* [General Personnel Regulations].

Section 25

With the payment of this incentive the interested party is encouraged to look for and accept suitable work. Successful reintegration, where the interested party is able to support himself or herself independently again, is rewarded with a sum amounting to three months' income support. In principle, six months is the minimum standard set for the duration of the employment relationship. However, flexible contracts in the form of temporary employment contracts or short-term temporary contracts are very common in today's labour market. To avoid the incentive payment increasing the distance from the labour market, as a departure from the norm, a payment is also granted for an employment relationship of at least three months' duration. An incentive payment is granted on a one-off basis for an employment relationship of six months' or three months' duration. In other words, an additional payment will not be granted if it emerges subsequently that after the incentive payment was granted for three months, the employment relationship actually lasted for six months.

Chapter 6

Section 27

The Veteran Registration System (*VRS*) was set up in 2006 by the Ministry of Defence. In 2007, the majority of veterans from the peace mission in Lebanon (*UNIFIL*) were recorded in it. In the meantime, the details of veterans from earlier missions have also been included in the *VRS*. The inclusion of a veteran's details is mandatory although those details may be blocked at his or her request. Since 2012, service personnel in active service with veteran status have also been recorded in the system.

With the entry into force of Section 9 of the Veterans' Act, the Veteran Registration System as it existed as from 2006 has retroactively acquired a legal basis. When they introduced that private member's bill, those introducing it did not obtain advice as referred to in Section 52(2) of the Personal Data Protection Act because the Veterans' Act largely does not pertain to the processing of personal data. This does not mean that the importance thereof was overlooked. It is also why the draft of this decree was submitted to the *College bescherming persoonsgegevens* [Dutch Data Protection Authority] for advice². The Authority had no objections to the decree. The decree and the explanatory notes were amended in response to the comments in the Authority's advice. The Authority responded favourably to the Privacy Impact Assessment as set out in the Explanatory Memorandum³ to the Veterans' Act.

¹ Benefits Scheme for Military War and Service Victims (Government Gazette 1996, 244).

² Advice of 16 October 2013 z2013-00732.

³ Lower House Parliamentary papers, session year 2010–2011, 32 414, no. 7 pp. 30-32.

In addition to details about participation in missions, only the name and address details of the veteran are recorded in the Veteran Registration System. They are kept up-to-date through the link to the Persons Database. This means the VRS necessarily also shows the Citizen Service Number because this is the tool used to keep name and address details up-to-date. Under Section 10 of the *Wet algemene beginselen burgerservicenummer (Wabb)* [Citizen Service Number (General Principles) Act], government agencies may use the citizen service number when processing personal data in connection with the performance of their duties. These are the duties of the government agency under public law. Having regard to the mandate given to the Minister in the Veterans' Act to keep records of veterans, the aforementioned use of the Citizen Service Number is thereby covered. Other than the name and address details, the VRS contains only an indication of the missions in which the veteran participated, so no health data are processed.

The mandatory nature of recording data in the system has to do with the ongoing responsibility borne by the Minister of Defence and Dutch society for veterans' health. It is possible after all that it will not emerge until years later that service personnel were exposed during a mission to health risks which it was impossible to identify based on the state of scientific knowledge at the time in question. In cases such as these, we must be able to advise veterans to contact the Ministry of Defence or a doctor. Registration is also important for a (statistical) understanding of the long-term consequences of deployment. As the Explanatory Memorandum to the Veterans' Act shows, scientific research also means policy-related, historical and statistical research.

The following is noted in respect of the retention period for data. Under Section 10 of the Personal Data Protection Act, they shall be kept in a form which enables the person concerned to be identified for no longer than is necessary to achieve the purposes for which they were collected or subsequently processed. The purpose described in Section 9(1) of the Veterans' Act, namely to provide the veteran with information, is applicable throughout the veteran's life. In principle, name and address details can be deleted after the death of the veteran. The record showing that someone was a veteran and the details concerning participation in missions are historical relevant data which should not be lost. Since an increasing number of decisions are taken and communicated digitally, fewer written documents are being retained, creating a risk that data of relevance to historical and scientific research, e.g. genealogical research, are not being stored anywhere else. Under Section 10 of the Data Protection Act, such data are therefore, in principle, retained with no end date. As the person responsible, the Minister makes the necessary arrangements to ensure that the data concerned are used exclusively for those specific purposes.

Section 28

The VRS is linked to the *Persons Database*. VRS data are always up-to-date thanks to that link.

Section 29

Veterans' data are provided in accordance with the Personal Data Protection Act and the protocols applicable to such provision drawn up for the Ministry of Defence organisation.

Section 30

In 2010 and 2011, the Ministry of Defence supplied data for scientific research and provided the General Pension Fund for Public Employee's new Client Care System (CZS) with deployment-related data. The Ministry of Defence also provided data for local veterans' activities. Finally, the provision of data helps veterans' associations to bring order to their membership records.

Chapter 8

Section 33

The Minister of Defence may depart from the provisions of this Decree if its application would result in the veteran being treated with extreme unfairness and the departure will benefit the care provided for that person.

Sections 34 and 35

Section 16 of the Veterans' Act (Bulletin of Acts and Decrees 2012, 133) stipulates that this Act shall enter into force at a time to be determined by Royal Decree. Such a Royal Decree may also be an order in council. This decree, the Veterans' Decree, which is based in part on the Veterans' Act, therefore provides for the entry into force of the Veterans' Act and the Veterans' Decree.

28 June 2014 has been chosen as the date of entry into force. This is the date on which the 10th Veterans' Day is celebrated. This anniversary will therefore be marked with the entry into force of the Veterans' Act and the Veterans' Decree. This justifies the slight departure (Saturday, 28 June, instead of Tuesday, 1 July) from a standard date of entry into force.

The Minister of Defence,
J. A. Hennis-Plasschaert