



Ministry
of Defence

de&s

Defence Equipment & Support

Support to Ukraine & Op SCORPIUS: Acquisition Safety & Environmental Tailoring

Guidance for DE&S Delivery

Document Ownership and Version Control

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Summary & Context

Summary Statement & Context

DE&S is a key part of the MoD effort to provide equipment & support to Ukraine (UKR) following Russia's illegal invasion. The operational urgency of this support is recognised as one of DE&S' top priorities and the governance processes and policy that support this are to reflect a necessity for speed of delivery.

This document sets out how taskings in support of Ukraine and Op SCORPIUS should be approached from a Safety & Environmental perspective, it aligns to relevant international agreements and forms part of DE&S policy through ASEMS.

DE&S Gateway-Strategic Capability, Engagement & Operations (SCEO)-Ops Team, through which Support to UKR taskings are currently triaged, have developed, following legal advice and support from DE&S Quality, Safety & Environmental Protection (QSEP), an appropriate process & tailoring of policy for associated taskings; guidance provided within this document.

Scope of this Document

The guidance within this document only applies to taskings in support of Ukraine, predominantly under Op SCORPIUS. Support to other Operations remains governed by ASEMS with appropriate approach for that Operation in consultation with Duty Holders, TLBs, Equipment Sponsors and guidance from QSEP.

This document provides guidance and direction on levels of safety evidence & approach to safety delegations for in-scope taskings. Standard MoD and DE&S policy applies in all instances unless explicitly prescribed differently in this document.

Policy & Legislation

Acquisition Safety & Environmental policy, derived from primary legislation, and articulated through MoD policy (JSP 815, 376 & ASEMS) is written for procurements where the end User involves UK Personnel with a nominated Duty Holder.

In the case of support to UKR, MoD Policy is supplemented through an international agreement in the form of an Exchange of Letters¹ (EoL). This EoL provides key legal provision that "*title and risk*" associated with Granted in Kind (GiK) equipment transfers upon delivery, allowing for acquisition safety & environmental activity to be significantly tailored for equipment procured uniquely intended for direct GIK to UKR.

Legal advice provided on the application of the EoL provides the following principles, against which this document is written:

- The UK does not undertake to provide any specific documentation for equipment GIK'd, however there is a reasonable expectation that items GIK'd

¹ 20220318 – UK-Ukraine exchange of letters from UK Director Euro-Atlantic Security to Deputy Defence Minister of Ukraine. UKR Response to EOL from Deputy Defence Minister of Ukraine to UK Director Euro-Atlantic Security

are not unduly unsafe, and that training, instructions, manuals, equipment safety features would be explained at handover.

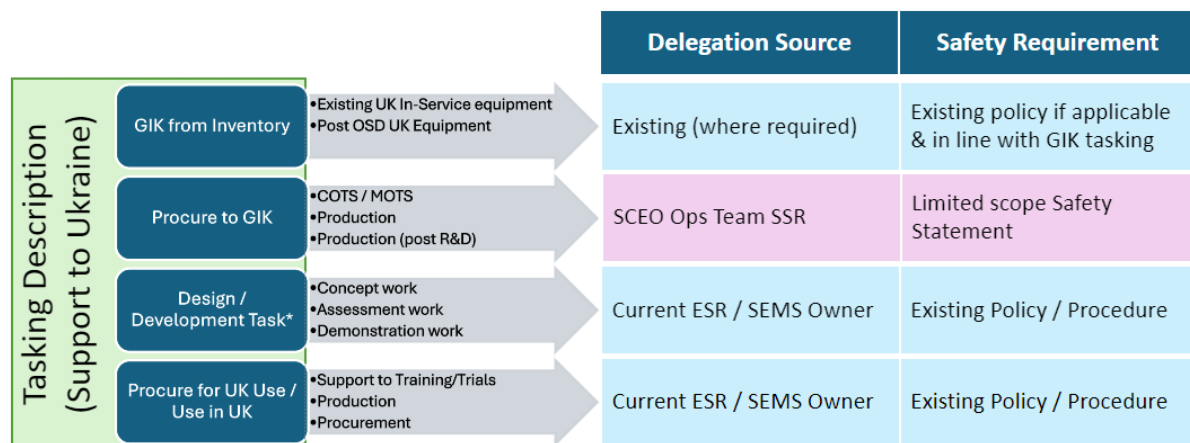
- The EOL applies to all supplies of equipment to Ukraine, regardless of the source of funding.
- It is important to note that the EoL does not enable these same freedoms for any concept, development, trials, training, or services activity in support of a procurement, or any activity involving UK personnel. These activities continue to be bound by DE&S & MoD policy until the point of transfer to UKR.

Support to Ukraine and Tailoring of Safety Approach

Tailoring approach to safety

Taskings, generated predominantly through Task Force KINDRED (TFK) but including other, request DE&S to undertake a range of activity to develop, support and procure equipment and services in support of UKR. The approach to acquisition safety can be tailored dependant on the type of tasking, with oversight from appropriately delegated individuals ([i.a.w. DE&S Safety and Environmental Protection leaflet 17/2023](#)).

Figure 1 provides an overview of the requirement for safety and route for safety delegations, discussed in more detail below.



*System safety requirements for design when end product is to be manufactured to GIK to align to need for evidence as a procure to GIK

Figure 1 - Approach to Delegations for Support to Ukraine Tasks

GIK from Inventory: GIK procedure is covered under SOP 4086². Support required from DE&S will vary dependant on the particular GIK tasking. If support is required for activity prior to handover to UKR, existing Safety delegations should be used noting that activity is bounded by the extant Safety Case. This may include e.g. activity such as movement & transportation approvals prior to handover at the agreed location (Usually a Logistic Enabling Node (LEN) – See footnote & SOP 4086 for further information).

Provision of associated safety documentation (User Manuals, Transportation & Handling Instructions, Warning & Cautions, Safety Notices etc) should be considered in line with the tasking requirement.

Procure to GIK Tasking: A significant portion of taskings in support of UKR are 'Procure to GIK' where equipment is sourced directly from a supplier's existing stock or production line and delivered directly to the End User (UKR). Delivery is through a LEN or other route into-country with no UK personnel involved using the equipment. As such the totality of this type of tasking can be deemed covered by the EoL, [See para on Policy & Legislation] and as such, the requirement for safety is limited to the following scope:

² SOP 4086 – Grants in Kind Standardised Procedure – 14 Aug 24

- The need to demonstrate a product is not unduly unsafe³, for example through provision of relevant handling & transportation, hazmat, manufacturer manuals, safety data sheets or similar documentation where readily available.
- It is recommended a simple safety assessment template is used to support this – See *Annex B: Procure to GIK Safety Assessment Template*: for an example applied in SCEO - Ops Team. This records safety information available for the product and supports that there are no significant areas of risk that need to be raised further.

Defining the threshold for and application of these requirements is the responsibility of the delegated individual for the tasking.

Other Support to UKR Tasking: Other taskings in support of UKR that involve UK or overseas personnel in development, trials, training or other capacity require a more routine approach as set out by DE&S & MoD policy with the following notes:

Where product development is done to enable a Procure to GIK activity, the system safety requirements can be tailored to support speed of development and product delivery, in line with a final expectation of meeting the threshold set out for Procure to GIK above. This applies as long as delegated individuals, alongside their DHs, are content that the risk associated with such development activity is controlled and ALARP.

Where delivery of a product to UKR is via a UK User, DE&S should engage with the UK User DH to acknowledge the handover of equipment and any potential transfer of risk.

Implementing DE&S Safety Delegations

The approach to assigning safety delegations for tasks in support of UKR should align to a delivery teams' position within the 2024 Op Model Changes and the associated regulated environment with the exception for Procure to GIK taskings, where a tailored requirement is outlined below.

Pre 2024 Op Model implementation, delegations are via the Executive Safety Responsible within Operating Centres. Post 2024 Op Model implementation this is through the appropriate regulatory SEMS Managers as outlined within ESR (Regulatory SEMS Managers), S&EP Leaflet 19/2024⁴.

Delegations for 'Procure to GIK' taskings will be treated as Safety Responsible⁵ and will be coordinated through the SCEO-Ops Team under a specific Support to Ukraine Delegation from Dir SCEO & Ops Team SSR (see Gateway O&A Statement). To assume a delegation for a 'Procure to GIK' tasking:

1. Existing SSR/SRs within delivery areas holding delegations for equipment similar in nature to the specific tasking can assume the safety assignment for

³ 'not unduly unsafe' – based on legal advice this phrase has been adopted to set a limited scope requirement for delegated individuals to assess level of risk with a Procure to GIK tasking. Concerns beyond this should be raised via Ops Team SSR

⁴ [DE&S Safety & Environmental Protection leaflet 19/2024 – Delegated Acquisition Safety Responsibilities for Executive Safety Responsible Assignment Holders in DE&S](#)

⁵ [DE&S Safety and Environmental Protection leaflet 17/2023](#)

a Procure to GIK tasking⁶ in line with the wording of the SCEO-Ops Team delegation at *Annex A: Procure to GIK Delegation wording*..

2. Where this is the case, these delegations are to be recorded through informing the SCEO Safety Multiuser [desgtwy-sceo-safety@mod.gov.uk] where the delegation will be recorded within an Annex to the Ops Team SEMP. These delegations will be assumed to be valid for the duration of the specific tasking until point of delivery of the associated equipment.

If at any point during the procurement the scope of the tasking changes, the Ops Team SSR should be notified to ensure the delegation remains valid & seek alternative arrangements if required.

Managing Risk & Duty Holding Chain

Escalation of safety risks for taskings in support of UKR should be in line with existing policy – [S&EP leaflet 03/2011](#) refers, with the following notes:

- For risk associated with use of equipment being GIK'd to Ukraine, either as procure to GIK or GIK post development / trials / test activity, escalation of any risk that is considered above the thresholds outlined above for Procure to GIK scenario above, is through Ops SSR.
- For risk associate with all other activity, escalation is in line with existing process/policy.

Environmental

For Support to Ukraine Environmental requirements follow a similar approach to that for safety.

For Procure to GIK, where an environmental concern exists that would represent an issue preventing use if it were a capability designed for UK service, it should be notified to UKR, via the SRO (likely KINDRED). In the instance where an issue needs to be escalated, advice should be sought from the Ops Team Senior Environmental Responsible (SER), in conjunction with QSEP.

For all other taskings in support of UKR, routine DE&S & MoD policy applies.

Existing Applicable Exemptions

1. Certificate of Exemption No.24 - REACH & Asbestos in equipment relating to procurement, sale, and granting in Kind of equipment for Ukraine. Validity until 31 July 2028. [Certificate of Exemption](#)

⁶ This will fulfil the requirement i.a.w. [DE&S Safety and Environmental Protection leaflet 17/2023](#) for assessment of an individual's competence to hold the assignment for a procure to GIK activity.

Annexes

Annex A: Procure to GIK Delegation wording:

The following extract taken from Dir SCEO & SCEO Ops Team SSR Delegation. It outlines the scope of those delegations, which is aimed at 'Procure to GIK' scenarios, and defining that other scenarios are to be treated in line with national projects.

- a. *For Equipment operated by UK Armed forces and being transferred ownership; up to point of transfer of ownership, you have identical responsibilities to national projects to identify, reduce and inform on risks, noting that this may be tailored depending on the procurement route and availability of information. After transfer, responsibility is limited to monitoring & seeking feedback as far as practicable in line with the wording in the document "EXCHANGE OF LETTERS ON THE ACQUISITION AND SUPPLY OF DEFENCE AND HUMANITARIAN EQUIPMENT TO UKRAINE" dated 18 Mar 22 that states "Once each item of equipment listed in the annex is delivered to Ukraine, title and risk in that item transfers to Ukraine".*
- b. *For clearance of equipment/munitions not in service with UK Armed Forces and where no UK evidence or endorsement is available, you may use evidence provided by other national governments or regulatory authorities, recognising that in many cases limited evidence is available, but confirming that equipment is not unduly unsafe recognising that this is operating outside of UK policy and legislation.*
- c. *You are to conduct assurance, on behalf of the AFU/KINDRED and through review and the advice of appropriate independent authorities, on the suitability of the Safety Assessments. You may delegate assurance approval of safety assessments and subsequent amendments. You are to consider the applicability of Storage / Transport instructions, Engineering/Technical Instructions, and advise the AFU of any risks as appropriate via the appropriate means.*
- d. *You are to utilise HEAs as necessary to ensure that any required SME knowledge is sought from the wider business /SSR community in support of procurement activity.*
- e. *The support and provision of support (via spares and repairs) to deployed systems to be consistent with the approaches identified in paragraph a and b.*

Annex B: Procure to GIK Safety Assessment Template⁷

The following template safety assessment has been generated for use in 'Procure to GIK' scenarios. It is based on Safety Claim 1 from the Safety Maturity Model⁸ and acts as a useful checklist to review key safety aspects of a procurement. It also acts as a record of readily available information that can be provided as part of the procurement.

It is intended as an internal DE&S document & audit trail, recording that the delegated individual is satisfied the thresholds described in the main body of this leaflet are met. It is not mandated, but to be used at the discretion of the delegated individual.

Identified safety information is then to be passed to the End User via sponsor (e.g. Task Force KINDRED)

Completed assessments are to be copied to SCEO Safety Multiuser [desgtwy-sceo-safety@mod.gov.uk]

Equipment/ Project name	
DMIT ref	
Equipment Description:	
Disappication's, Exemptions or Derogations (DEDs): [Insert agreements on exemptions & evidence – e.g. specific MinSub approvals to deviate from Policy / Other agreements]	
Supporting Safety Documentation provided	
<p>1. Legislative Compliance [SC1.1.1, SC1.1.3, SC1.1.4, SC1.1.5]</p> <p>a. Is the Equipment CE or UKCA Marked? <i>If YES, a Declaration of Conformance Should be requested. If NO, then see part b.</i></p> <p>b. Is there a Legislative Compliance Register for the Equipment? <i>If YES, then a copy should be requested and reviewed for applicability and completeness. If NO, refer to parts c & d.</i></p> <p>c. Is the Equipment Commercial Off-The-Shelf? <i>If YES, request organisations evidence for proof of compliance with legislation. If NO, refer to part d.</i></p> <p>d. Is the Equipment Military Off-The Shelf? <i>If YES, request evidence of legislative compliance from country of origin if available.</i></p>	

⁷ Editable version of template available [here](#)

⁸ [Safety Case Maturity Tool \(SCMT\)](#)

*If the answer to all the above is **NO**, consider the resources and time required to produce an LCA or consider what the exemptions or waivers may be required if the project is to proceed without this.*

2. Usage [SC1.1.6, SC1.2.1]

- a. Have the operational and environmental limitations of the equipment been provided/stated?

*If **YES**, ensure these are captured and communicated to the end user. If **NO**, a Hazard assessment may be required to identify potential hazards with using equipment in adverse environments/scenarios.*

- b. Are the intended usage environments known?

*If **YES**, ensure that the equipment has safe operating conditions are within these parameters or suggest testing to confirm function of equipment within these conditions. If **NO**, ensure that the safe operating conditions are defined and communicated to the end user.*

3. Design [SC1.2.2, SC1.2.5, SC1.3.1, SC1.3.2, SC1.3.3, SC1.4.1]

- a. Has the manufacturer provided a Certificate of Design to support compliance with the equipment specification and requirements?

*If **NO**, how will product conformance be validated.*

- b. Will this equipment be integrated with any other systems/equipment/platforms?

*If **YES**, provide details of the systems being integrated with and consider and safety implications on the equipment being procured or the system it will be integrated with. May require Safety Case or Hazard Assessment.*

- c. Are any modifications planned or required before the equipment is delivered to the end user?

*If **YES**, provide details of the modifications and consider the potential safety impacts. May require Safety Case or Hazard Assessment.*

- d. Does configuration management need to be considered for the equipment being procured?

*If **YES**, request details of how the supplier manages configuration change to ensure this is sufficient and record details here or within the SEMP.*

4. Hazards [SC1.1.9]

- a. Is a manufacturers Hazard Log available for supply with the equipment?

*If **YES**, provide a copy to end user. If **NO**, a Hazard Assessment may be required.*

- b. Does the equipment contain hazardous materials?

*If **YES**, request MSDS.*

- c. Does the system contain Software or Programmable Elements critical to its operation?

<i>If YES, SME (e.g. WTS) input may be required to review evidence of the testing/validation of PE.</i>	
5. Publications & Training	<p>a. Is a user manual being supplied? (English, Ukrainian etc) <i>If YES, consider section b. If NO, will one be required for operation of the equipment? Is the end user likely to have an existing operating procedure for this equipment?</i></p> <p>b. Is the user manual suitable for the intended military use? <i>If YES, ensure a copy is supplied with the equipment. If NO, what amendments are required? If these can be identified, communicate these to the end user.</i></p> <p>c. Are there any user maintenance requirements? <i>If YES, refer to section d and e, and check if any specialist equipment is required. If NO, will a support contract be required? Potentially consult Ops Dir In-Country Support team.</i></p> <p>d. Is a maintenance schedule and any maintenance instructions provided? <i>If YES, ensure these are provided to the end user. If NO, ensure end user have required training or knowledge to undertake required maintenance.</i></p> <p>e. Is specific user training required for operation and maintenance of equipment? <i>If YES, plan to include this training.</i></p>
6. Test and Trial reports [SC1.2.3, SC1.2.4]	<p>a. Is the evidence of any qualification or verification and validation trials available to be shared? <i>If YES, check this can also be transferred to the end user. If NO, refer to section b.</i></p> <p>b. Can the manufacturer provide details of the qualification or verification and validation trials completed? <i>If YES, provide these to the end user and identify and gaps in testing. If NO, consider if the equipment is COTS.</i></p> <p>c. Are any acceptance tests to be completed as part of the contract? <i>If YES, obtain details of acceptance test procedures. If NO, ensure end user are content to accept receipt of goods based on this. Also consider potential safety implications related to reliability of equipment.</i></p> <p>d. Are any further tests or trials planned/required to support the safety argument of the equipment? <i>If YES, who will be responsible for planning, conducting, paying for trials? What will the implications be on the timeline of the project.</i></p>
7. Transport & Storage safety information	<p>a. Is the equipment being delivered via the contractor or MOD organised transport? <i>If MOD Delivery required, SSR input or a Safety Case may be required. Refer to section C.</i></p>

<p>b. Will the equipment be delivered directly to the end user or via the UK? <i>If equipment enters UK or MOD facility, SSR input or a Safety Case may be required.</i></p> <p>c. Is there any applicable tie down schemes or packaging requirements?</p> <p>d. Is the equipment classified under the CDG Regulations? If YES, request packaging certification and HCC with associated competent authority document (If required).</p>												
<p>8. Environmental</p> <p>a. Has the supplier conducted an Environmental Impact Assessment?</p> <p>b. Is the product REACH Compliant?</p> <p>c. Has a Hazardous Material Safety Data Sheet been provided?</p>												
<p>Safety Information Requested: (list) [Note - Indicate if provided by contractor, provided on delivery, for internal use only or provided to TFK]</p>												
<p>Perceived risk level: [Is the level of risk high enough to recommend risk escalation?]</p>												
<p>Comments on safety assessment:</p>												
<p>Recommendations:</p>												
<p>References:</p>												
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;"></th> <th style="width: 30%;">Name</th> <th style="width: 30%;">Role</th> <th style="width: 20%;">Date</th> </tr> </thead> <tbody> <tr> <td>Produced by</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Reviewed by</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Name	Role	Date	Produced by				Reviewed by			
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N.B. This document is for internal (Ops Team / DE&S) use only to detail the safety aspects of the project and to record the safety documentation to be provided.