



Ministry  
of Defence

## **Defence Standard 05-135**

Issue 2

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# **Avoidance of Counterfeit Materiel**

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## Section 1

### Foreword

#### Defence Standard Structure

##### Section 1 (Generated by the StanMIS toolset)

- Revision Note
- Historical Record
- Warning
- Standard Clauses

##### Section 2 (Technical information provided by Subject Matter Expert)

- Title
- Introduction (optional)
- Scope
- Table of Contents
- Technical Information to include Tables and Figures
- Annexes (as required)

##### Section 3 (Generated by StanMIS toolset)

- Normative References
- Definitions
- Abbreviation

#### REVISION NOTE

This Standard has been updated to Issue 2 in line with MOD policy to conduct reviews and reissue on a 5 year cycle. Main changes to this Standard consist of updates to references and adding a paragraph to address obsolescence.

#### HISTORICAL RECORD

This standard supersedes the following:

Def Stan 05-135 Issue 1

#### WARNING

The Ministry of Defence (MOD), like its contractors, is subject to both United Kingdom and European laws regarding Health and Safety at Work. Many Defence Standards set out processes and procedures that could be injurious to health if adequate precautions are not taken. Adherence to those processes and procedures in no way absolves users from complying with legal requirements relating to Health and Safety at Work.

#### STANDARD CLAUSES

- a) This standard has been published on behalf of the Ministry of Defence (MOD) by UK Defence Standardization (DStan).
- b) This standard has been reached following broad consensus amongst the authorities concerned with its use and is intended to be used whenever relevant in all future designs, contracts, orders etc. and whenever practicable by amendment to those already in existence. If any difficulty arises which prevents application of the Defence Standard, DStan shall be informed so that a remedy may be sought.
- c) Please address any enquiries regarding the use of this standard in relation to an invitation to tender or to a contract in which it is incorporated, to the responsible technical or supervising authority named in the invitation to tender or contract.

- d) Compliance with this Defence Standard shall not in itself relieve any person from any legal obligations imposed upon them.
- e) This standard has been devised solely for the use of the MOD and its contractors in the execution of contracts for the MOD. To the extent permitted by law, the MOD hereby excludes all liability whatsoever and howsoever arising (including, but without limitation, liability resulting from negligence) for any loss or damage however caused when the standard is used for any other purpose.

## Section 2

### Avoidance of Counterfeit Materiel

#### 1 Scope

**1.1** This Defence Standard defines the arrangements that a supplier is required to establish to demonstrate that they are actively planning and managing the risk of counterfeit materiel in their organisation and supply chain to prevent delivery of such materiel to the MOD.

**1.2** This Defence Standard may be applied to **all materiel** procured by the MOD.

**Note:** The MOD shall consider the inclusion of this standard in contracts where the AQAP 2100 series are invoked (see 3.1 below). Where there are appropriate Sector Schemes or Standards for the avoidance of counterfeit materiel in the supply chain they may be invoked in the supply chain as an alternative to this Defence Standard.

## Contents

<b>Foreword .....</b>	<b>2-1</b>
<b>1 Scope .....</b>	<b>2-1</b>
<b>2 Warning.....</b>	<b>2-4</b>
<b>3 Referenced Documents.....</b>	<b>2-4</b>
<b>3.1 Normative References (see section 3).....</b>	<b>2-4</b>
<b>3.2 Informative References .....</b>	<b>2-4</b>
<b>4 Abbreviations .....</b>	<b>2-5</b>
<b>5 Definitions.....</b>	<b>2-5</b>
<b>6 Requirements .....</b>	<b>2-5</b>
<b>6.1 Policy.....</b>	<b>2-5</b>
<b>6.2 Roles and Responsibilities .....</b>	<b>2-5</b>
<b>6.2.1 Top Management.....</b>	<b>2-5</b>
<b>6.2.2 Management Representative .....</b>	<b>2-5</b>
<b>6.3 Competence, training and awareness .....</b>	<b>2-5</b>
<b>6.4 Purchasing.....</b>	<b>2-5</b>
<b>6.5 Test and Verification.....</b>	<b>2-6</b>
<b>6.6 Control of Non-Conforming Materiel.....</b>	<b>2-6</b>
<b>6.7 Reporting of Counterfeit Materiel.....</b>	<b>2-6</b>
<b>6.8 Additional Requirements for all Suppliers and Manufacturers.....</b>	<b>2-7</b>
<b>6.9 Obsolescence.....</b>	<b>2-7</b>
<b>7 Contact details .....</b>	<b>2-7</b>
<b>Section 3 Normative References.....</b>	<b>3-1</b>
<b>Definitions .....</b>	<b>3-3</b>
<b>Abbreviations .....</b>	<b>3-4</b>

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## **2 Warning**

Refer to section 1 for Warning.

## **3 Referenced Documents**

### **3.1 Normative References**

Refer to section 3 for Normative References.

### **3.2 Informative References**

IEC/TS 62668-1 Process management for avionics - Counterfeit Prevention - Part 1: Avoiding the use of counterfeit, fraudulent and recycled electronic components

IEC 62668-2 Process management for avionics - Counterfeit Prevention - Part 2: Managing electronic components from non-franchised sources

BS EN ISO 9000 Quality management systems - Fundamentals and Vocabulary

DEFCON 627 Quality Assurance - Requirement for a Certificate of Conformity

BS EN ISO 9001 Quality management systems – Requirements

BS ISO 12931 Performance criteria for authentication solutions used to combat counterfeiting of materiel goods

SAE ARP6178 Aerospace Recommended Practice. Fraudulent/Counterfeit Electronic Parts; Tool for Risk Assessment of Distributors

SAE AS 6081 Aerospace Standard. Fraudulent/Counterfeit Electronic Parts: Avoidance, Detection, Mitigation, and Disposition

SAE AS6462 AS5553 Counterfeit Electronic Parts; Avoidance, Detection, Mitigation, and Disposition Verification Criteria

DI-Misc-81832 Counterfeit Prevention Plan

SAE ARP6328 Aerospace Recommended Practice. Guideline for Development of Counterfeit Electronic Parts: Avoidance, Detection, Mitigation, and Disposition Systems

SAE AS6171 Test Methods Standard; General Requirements, Suspect/Counterfeit, Electrical, Electronic, and Electromechanical Parts

SAE AS6174 Counterfeit Materiel; Assuring Acquisition of Authentic and Conforming Materiel

SAE AS5553 Counterfeit Electronic Parts; Avoidance, Detection, Mitigation, and Disposition

IEC TS/62239 Process management for avionics - Preparation of an electronic components' management plan

DEFCON 524 – Rejection

Counterfeit Avoidance Working Group, Counterfeit Avoidance Maturity Model

BS EN 62402 Obsolescence management. Application guide



## **4 Abbreviations**

Refer to section 3 for Abbreviations.

## **5 Definitions**

Refer to section 3 for Definitions.

## **6 Requirements**

### **6.1 Policy**

**6.1.1** The supplier shall have a defined and documented policy for the avoidance of counterfeit materiel, including the requirement for an Anti-Counterfeiting Management Plan (ACMP), satisfying all elements of paragraph 6 of this Defence Standard.

**6.1.2** The policy and ACMP shall be made available to customers upon request.

**6.1.3** The supplier shall have arrangements in place to manage the risk of counterfeit materiel in their supply chain.

### **6.2 Roles and Responsibilities**

#### **6.2.1 Top Management**

The supplier's top management shall ensure the policy for the avoidance of counterfeit materiel is available, communicated, understood and implemented by relevant staff at all levels within the organisation.

#### **6.2.2 Management Representative**

The supplier shall appoint a management representative who, irrespective of other responsibilities, has responsibility and authority within the organisation to:

- a) ensure that the arrangements required to manage the risk of counterfeit materiel in both the supplier organisation and supply chain are implemented and maintained.
- b) report to top management any concerns regarding counterfeit materiel within the supplier organisation and supply chain.
- c) promote awareness of the risk of counterfeit materiel in the supplier organisation and the supply chain.

### **6.3 Competence, training and awareness**

**6.3.1** The supplier shall determine the awareness level requirements appropriate to each functional role, the competence level required by each employee and how the training needs will be met.

**6.3.2** Records of training, skills and competence are to be maintained.

### **6.4 Purchasing**

**6.4.1** The supplier shall assess and record the risk of procuring counterfeit materiel. This shall take account of the criticality of the materiel in relation to performance and safety.

**6.4.2** Where risk has been identified, the supplier shall flow the following requirement and information down the supply chain:

- a) the requirements of this Standard, or an appropriate industry Sector Scheme or Standard.

- b) information regarding the criticality of the materiel

**6.4.3** As part of the selection and evaluation of sub-suppliers, where final product integrity is considered important due to the critical nature of performance and safety, the supplier shall be able to trace the source of supply of the materiel through the supply chain to the manufacturer to reduce the risk of counterfeit materiel in the supply chain.

**6.4.4** Where the supplier does not procure materiel directly from, or cannot trace the source of supply of the materiel through the supply chain to the manufacturer, this shall constitute an additional risk that the supplier shall manage. As a minimum the supplier shall demonstrate that the materiel shall fulfil the acquirers specified requirements. The materiel characteristics and level of information shall not degrade the safety and performance of the deliverable materiel.

## **6.5 Test and Verification**

**6.5.1** The supplier shall determine the rigour of inspection and test requirements for the acceptance of materiel. This shall be commensurate with the risk of the materiel being counterfeit and the criticality of the materiel in relation to safety and performance.

**6.5.2** If materiel is suspected of being counterfeit at any point in production or service provision then additional testing shall be considered to confirm if it is counterfeit materiel.

## **6.6 Control of Non-Conforming Materiel**

The supplier shall establish arrangements to:

- a) control suspected counterfeit materiel to prevent its unintended use or re-entry into the supply chain.
- b) ensure suspected counterfeit materiel is not returned to the sub-supplier unless under controlled circumstances for validation or testing.
- c) ensure that materiel confirmed as being counterfeit does not re-enter the supply chain and is not returned to the sub-supplier.

## **6.7 Reporting of Counterfeit Materiel**

The supplier shall establish arrangements to ensure that occurrences of counterfeit materiel are reported to:

- a) the customer.
- b) the supplier of the materiel.
- c) the owner of the Intellectual Property Rights of the genuine materiel.
- d) appropriate information / data gathering organisations including, but not limited to:
  - 1) British Electrotechnical and Allied Manufacturers' Association (BEAMA).
  - 2) Anti-Counterfeiting Forum
  - 3) Medicines and Healthcare Products Regulatory Agency (MHRA).
- e) National Law Enforcement Authorities (see note).

**Note:** In the UK the occurrences of counterfeit materiel are to be reported to the Police and Trading Standards.

## **6.8 Additional Requirements for all Suppliers and Manufacturers**

All Suppliers and Manufacturers shall consider positive action to prevent corruption within their organisation, distribution and supply chains, including measures to avoid the misrepresentation of their materiel. Such measures may include:

- a) the use of indelible, encrypted or covert marks on materiel, documentation and packaging.
- b) the secure destruction of substandard materiel, documentation and packaging.
- c) design of materiel to be less prone to obsolescence.
- d) the recording of registered trade marks and designs on customs and law enforcement databases.
- e) the active enforcement of trade mark and design rights against manufacturers and suppliers of counterfeit materiel.
- f) the publication of warnings when counterfeiting is discovered, including setting out distinguishing features of original or counterfeit materiel where these are not covert.
- g) the reporting instances of counterfeit materiel to customs databases. (Within the UK and EU, updating 'Applications for Action')
- h) publishing a list of franchised distributors, or providing an alternative means of verifying the authenticity of a prospective franchised distributor.
- i) obligations to source Materiel only from the manufacturer or manufacturer franchised distributors.
- j) the control of production processes to prevent the misappropriation of materiel or unauthorised production overruns.
- k) the control of used packaging disposal to ensure that it is recycled in an appropriate manner to prevent re-use and re-entry into the supply chain.

## **6.9 Obsolescence**

Suppliers shall ensure that measures exist within the organisation and supply chain to prevent counterfeit products entering the supply chain when managing obsolescence risks and issues. All suppliers are required to actively implement and manage a robust Obsolescence Management Plan (OMP). This OMP shall align with the requirements of BS EN 62402.

## **7 Contact details**

**DESTECH-QSEPQCM-Pol-Helpline@mod.gov.uk**



## Section 3

### Normative References

**1** The publications shown below are referred to in the text of this standard. Publications are grouped and listed in alpha-numeric order.

Note: Def Stan's can be downloaded free of charge from the DStan web site by visiting <http://dstan.uwh.diif.r.mil.uk/> for those with RLI access or <https://www.dstan.mod.uk> for all other users. All referenced standards were correct at the time of publication of this standard (see 2, 3 & 4 below for further guidance), if you are having difficulty obtaining any referenced standard please contact the DStan Helpdesk in the first instance.

#### Def Stans

Number	Title
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#### STANAGs

Number	Title
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#### Allied Publications

Number	Title
AQAP-2131 Edition C Version 1	NATO QUALITY ASSURANCE REQUIREMENTS FOR FINAL INSPECTION AND TEST
AQAP-2110 Edition D Version 1	NATO QUALITY ASSURANCE REQUIREMENTS FOR DESIGN, DEVELOPMENT AND PRODUCTION
AQAP-2310 Edition B Version 1	NATO QUALITY ASSURANCE REQUIREMENTS FOR AVIATION, SPACE AND DEFENCE SUPPLIERS

#### Other References

Standard Type	Standard Name
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**2** Reference in this Standard to any normative references means in any Invitation to Tender or contract the edition and all amendments current at the date of such tender or contract unless a specific edition is indicated. Care should be taken when referring out to specific portions of other standards to ensure that they remain easily identifiable where subsequent amendments and supersession's might be made. For some standards the most recent editions shall always apply due to safety and regulatory requirements.

**3** In consideration of clause 2 above, users shall be fully aware of the issue, amendment status and application of all normative references, particularly when forming part of an Invitation to Tender or contract. Correct identification of standards is as defined in the ITT or contract.

**4** DStan can advise regarding where to obtain normative referenced documents. Requests for such information can be made to the DStan Helpdesk. Details of how to contact the helpdesk are shown on the outside rear cover of Defence Standards.

## Definitions

For the purpose of this standard, ISO/IEC Guide 2 'Standardization and Related Activities – General Vocabulary' and the definitions shown below apply.

Definition	Description
Counterfeit Materiel	<p>Materiel whose origin, age, composition, configuration, certification status or other characteristic (including whether or not the materiel has been used previously) has been falsely represented by;</p> <p>a) misleading marking of the materiel, labelling or packaging;</p> <p>b) misleading documentation; or</p> <p>c) any other means, including failing to disclose information;</p> <p>except where it has been demonstrated that the misrepresentation was not the result of dishonesty by a supplier or external provider within the supply chain</p>
Customer	Organisation or person that receives materiel (as defined under counterfeit materiel).
Definitions	Unless otherwise defined, the terms and definitions in BS EN ISO 9000 apply
Materiel	Materiel refers to all equipment, parts, components, products, raw materiel or software associated with the deliverable product or service
Supplier	Organisation or person that provides materiel (as defined under counterfeit materiel).

## Abbreviations

Abbreviation	Description
ACMP	Anti-Counterfeiting Management Plan
AQAP	Allied Quality Assurance Publication (NATO)
ARP	Aerospace Recommended Practices
AS	Aerospace Standard
BEAMA	British Electrotechnical and Allied Manufacturers Association
BS	British Standard
BS EN	British Standard European Norm
BS EN ISO	British Standard European Norm International Standards Organisation
BSI	British Standards Institute
CAWG, CAMM	Counterfeit Avoidance Working Group, Counterfeit Avoidance Maturity Model
DStan	UK Defence Standardisation
Def Stan	Defence Standard
DEFCON	Defence Condition
DI-MISC	Data Item Description Miscellaneous
EU	European Union
IEC	International Electrotechnical Commission
ISO	International Organisation of Standardization
ITT	Invitation To Tender
MHRA	Medicines and Healthcare Products Regulatory Agency
MOD	Ministry of Defence
MOD QCM Pol	Ministry of Defence Quality Configuration Management (Policy)
NATO	North Atlantic Treaty Organisation
OMP	Obsolescence Management Plan
SAE	Society of Automotive Engineers International
STANAG	NATO Standardization Agreement
UK	United Kingdom



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**File Reference**

The DStan file reference relating to work on this standard is 24/135.

**Contract Requirements**

When Defence Standards are incorporated into contracts, users are responsible for their correct application and for complying with contractual and statutory requirements. Compliance with a Defence Standard does not in itself confer immunity from legal obligations.

**Revision of Defence Standards**

Defence Standards are revised as necessary by an up-issue or amendment. It is important that users of Defence Standards ensure that they are in possession of the latest issue or amendment. Information on all Defence Standards can be found on the DStan Websites <https://www.dstan.mod.uk> and <http://dstan.uwh.diif.r.mil.uk/>, updated weekly. Any person who, when making use of a Defence Standard, encounters an inaccuracy or ambiguity is encouraged to notify UK Defence Standardization (DStan) without delay in order that the matter may be investigated and appropriate action taken.