



**VCA INFORMATION NOTICE
ON
EUROPEAN AND NATIONAL TYPE APPROVAL
LEGISLATION**

Issue date January 2013

This notice is published by VCA only to provide a guide to possible future Type Approval developments.

Though every care is taken in its preparation VCA cannot be held responsible for any errors or omissions.

Interpretation of the law must remain the prerogative of the courts.

Queries on this information notice should be addressed to:

Legislation Manager

Vehicle Certification Agency

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Eastgate Road

Bristol BS5 6XX

Website: www.dft.gov.uk/vca



EC NEWS

Type Approval will apply to completed (built in more than 1 stage) N1 (<3500kg) vehicles from 1 April 2013.

Published EU Directives and Regulations

REGULATION (EU) 1229/2012 – FRAMEWORK DIRECTIVE

This EU Regulation amends requirements for type-approval listed in Annex IV of the framework Directive 2007/46/EC to take into account General Safety Regulation changes. In addition it simplifies requirements for small series type approval to reduce costs for manufacturers while ensuring high safety and environmental standards are maintained. The requirements for ECSSTA are updated for M1 vehicles and approvals issued before 1 November 2012 to the old requirements will lose validity on 31 October 2016.

The number of M1 vehicles allowed under NSSTA is increased to 100 from 75 per year.

In addition EC small series type approval is introduced for N1 vehicles. A similar quantitative limit is placed on N1 vehicles using this route to that for M1 vehicles i.e.1000 vehicles per year.

The quantitative limit for NSSTA for N1 vehicles is also amended from 500 at present to 250 from 1 November 2016.

REGULATION (EU) 1230/2012 – MASSES & DIMENSIONS

This EU Regulation carries over & amends masses and dimensions requirements from directives 92/21/EEC & 97/27/EC which will be repealed by 661/2009.

The regulation provides for harmonisation of masses and dimensions in the EU in line with 96/53/EC while also allowing Member States flexibility to refuse type-approval of vehicles where masses and dimensions do not comply with national law, and also grant small series approval to vehicles which exceed EU masses and dimensions requirements where local infrastructure can cope with larger vehicles.

Finally it establishes clearly defined concepts of masses and dimensions so there is consistency within the flexibility allowed. Type-approval of vehicles will be refused where masses and dimensions do not comply with national law, and also grant small series approval to vehicles which exceed EU masses and dimensions requirements where local infrastructure can cope with larger vehicles.

Finally establishes clearly defined concepts of masses and dimensions so there is consistency within the flexibility allowed

DIRECTIVE 2012/24/EU – TRACTOR FRONT POWER TAKE OFF

86/297/EEC, as amended by 2010/62/EU, in Annex I ,section 4.2 sets out general provisions and requirements for front power take-offs (PTO). Reference is made to standard ISO 8759-1:1998, which specifies the location of the front power take-off. Unfortunately a large number of tractors can't meet the location requirements, so this directive exempts all tractors from the location requirements of the ISO. In addition if the take-off is of a special type not covered by ISO 8759-1:1998 then the standard doesn't apply.



DIRECTIVE 2012/46/EU – NON ROAD MOBILE MACHINERY

Revises and amends 97/68 to close gaps in test requirements for Stage IV engines. In order to enable type approval of Stage IV engines of categories Q and R, taking into account technical progress, and in order to increase global harmonisation, it is necessary to revise and complement certain provisions of Directive 97/68/EC. It is also necessary in order to reduce the margin of interpretation of test results and to limit the errors in the appreciation of engine emissions. Adopts globally harmonised test procedure for Stage IV engines adopted by UN ECE Reg 96.03

Introduces an operator warning system based on the corresponding provisions of Regulation (EC) No 595/2009 for heavy duty vehicles (euro VI), combined with a two-stage inducement system which reduces significantly the equipment's performance thus enforcing compliance

Adapts test procedures for electronically controlled engines to prevent cycle beating, by selecting a working area in line with ISO 8178.

Extends temperature/pressure and altitude criteria and durability requirements by aligning with Euro VI.

Amends equivalence of other standards in 97/68/EC to take into account updated standards.

Introduces CO2 reporting provisions of euro VI and EPA 40CFR Greenhouse Gas Emission Standards into 97/68 & aligns crank case emissions with Heavy Duty euro VI & US Tier 4 provisions.

Finally clarifies that to ensure emission requirements are met engine power should mean maximum engine power as electronically controlled engines could lead to a difference between that and the rated engine power

Draft Proposals

Non road mobile machinery

Tractors

New type approval framework for T vehicles.

The final draft has now been agreed by the European Parliament in late November 2012. It still needs to be cleared by the European Council.

The latest draft is available to view in VISTA / LegStat.

Amendment of Directive 2009/144/EC

A proposed amendment to include couplings (in line with ISO standards) commonly used in certain member states and not currently listed in the current Directive. (it was originally hoped that these would disappear from use but this has not happened).

Motorcycles

New type approval framework for L vehicles.

The final draft has now been cleared by the European Parliament in late November 2012 and European Council in mid December 2012.

A draft is available to view in VISTA / Legstat.



Cars/Trucks/Buses/Trailers

Vehicle Noise

Proposal to reduce noise produced by cars, vans, buses, coaches, light and heavy trucks. Noise limit values will be lowered in two steps each of 2 dB(A) for passenger cars, vans, buses and coaches. For trucks the reduction would be 1 dB(A) in the first step and 2 dB(A) in the second step.

The first step is to apply two years after the publication of the text once approved by the EP and Member States and the second step is foreseen three years later.

In addition, the proposal introduces a more reliable test method (additional sound emission provisions (ASEP)) to measure sound emissions. It is proposed that electric and hybrid electric vehicles can be fitted optionally with sound generating devices which would make these cars safer.

Draft Regulation amending Framework Directive 2007/46/EC

A draft regulation is envisaged to address better enforcement and surveillance of the market, clarification of how dual requirements in sister legislation (i.e. machinery directive, ADR etc.) should be dealt with, and the extent to which manufacturers should be allowed to approve vehicles via the IVA requirements.

UNECE NEWS

Published & Draft UNECE Regulations

As these are changing frequently for a full up to date list please subscribe to VISTA and Legstat.

NATIONAL LEGISLATION

The Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999 are being amended to transpose Directive 2011/88/EC.

The Agricultural or Forestry Tractors (Emissions of Gaseous and Particulate Pollutants) Regulations 2002 are being amended to transpose Directive 2011/87/EC and 2011/72/EC.

The Tractors etc (EC Type Approval) Regulations are being amended to transpose Directive 2012/24/EU.



END OF SERIES PROVISIONS

These are available for all upcoming new Standards as outlined in the following table. The conditions for application follow.

EC DIRECTIVES WITH AN APPLICATION DATE TO ALL NEW REGISTRATIONS UP TO 31st December 2020

EU DIRECTIVE / EU REGULATION	SUBJECT (DESCRIPTION)	VEHICLE CATEGORY AFFECTED	APPLICATION DATE IN THE DIRECTIVE (For registration or entry-into- service)
REGULATION (EC) 692/2008	LIGHT DUTY EMISSIONS Euro 5b emissions with Euro 5 OBD	M1G social needs Euro 5a with Euro 5 OBD	1/9/2012
DIRECTIVE 2010/52/EC	TRACTORS MULTI-SUBJECT	Tractors of categories T1, T2 & T3	2/9/2012
REGULATION (EC) 78/2009	PEDESTRIAN PROTECTION Annex 1 Section 2 or 3 of 78/2009	M1 less than 2500kg and N1 less than 2500kg.	31/12/2012
REGULATION (EC) 692/2008	LIGHT DUTY EMISSIONS Euro 5b emissions with Euro 5 OBD	M, N1 Class I, II & III, N2, M1 specific social needs Euro 5a emissions with Euro 5 OBD vehicles, Euro 6a emissions with Euro 6- OBD vehicles	1/1/2013
2005/49/EC(& Decision 2005/50/EC)	EMC: Prohibition of 24GHz radar	Vehicles with short-range radar (No radar = not affected)	1/7/2013
REGULATION (EU) 595/2009	HEAVY DUTY EMISSIONS	M and N Vehicles with reference mass of 2610 kg or over - compliance with Euro VI limits and EC Reg 595/2009/EC	31/12/2013
REGULATION (EC) 692/2008	LIGHT DUTY EMISSIONS	M and N1 Class 1, II & III, N2, M1 specific social needs (excluding M1G) Euro 5b emissions with Euro 5 OBD vehicles and Euro 6b emissions with Euro 6- OBD	1/1/2014



EU DIRECTIVE / EU REGULATION	SUBJECT (DESCRIPTION)	VEHICLE CATEGORY AFFECTED	APPLICATION DATE IN THE DIRECTIVE (For registration or entry-into- service)
REGULATION (EU) 661/2009	VEHICLE SAFETY & TYRES	<p>M2 and M3 to comply with Article 7 of 661/2009/EC</p> <p>N and O vehicles to comply with Article 6 of 661/2009/EC</p> <p>All categories of vehicles fitted with tyres that comply with Article 8, 9(1) and 9(4) of 661/2009/EC and meet Annex II Part A (wet grip requirements) and Part B Table 1 (rolling resistance req.) excluding C3 tyres</p> <p>M1 manuals with ref mass not exceeding 2610 and other vehicles which have manual gear and approval under Article 2(2) of EC Reg 715/2007 to be equipped with gear shift indicators</p> <p>All categories of vehicle to comply with Article 5 of 661/2009</p>	1/11/2014
REGULATION (EU) 523/2012	TPMS	M1 vehicles to be fitted with TPMS	1/11/2014
REGULATION (EC) 661/2009	ELECTRONIC STABILITY CONTROL Mandatory fitment	<p>M1 and N1</p> <p>M3 Class 3,</p> <p>M3 <16 tonnes with pneumatic transmission</p> <p>N2 excluding hydraulic, pneumatic and hydraulic energy transmission,</p> <p>N3</p> <p>O category</p>	1/11/2014
REGULATION (EU) 407/2011	Mandatory compliance with UNECE Regulations	All	1/11/2014



EU DIRECTIVE / EU REGULATION	SUBJECT (DESCRIPTION)	VEHICLE CATEGORY AFFECTED	APPLICATION DATE IN THE DIRECTIVE (For registration or entry-into- service)
REGULATION (EU) 407/2011	Mandatory compliance with UNECE Reg 13 Supp 3 to 11 series or UNECE Reg 13H Supp 9	N1	1/11/2014
REGULATION (EU) 1230/2012	Masses & Dimensions	Vehicles approved according to Article 7 of 97/27/EC	1/11/2014
REGULATION (EC) 661/2009	ELECTRONIC STABILITY CONTROL Mandatory fitment	M2 M3 Class II and B and Class III Hydraulic transmission N2 Hydraulic transmission	11/7/2015
REGULATION (EU) 78/2009	PEDESTRIAN PROTECTION: Annex 1 Section 4 of 78/2009	N1 new category vehicles	24/08/2015
REGULATION (EC) 715/2007	LIGHT EMISSIONS	Cats M & N1 Class 1, M1 specific social needs (excluding M1G) Vehicles that don't comply with Euro 6b emissions with Euro 6 ODB	1/9/2015
REGULATION (EU) 347/2012	ADVANCED EMERGENCY BRAKING SYSTEMS APPROVAL LEVEL 1	M2, M3, N2, N3 with exceptions	1/11/2015
REGULATION (EC) 661/2009	ELECTRONIC STABILITY CONTROL Mandatory fitment	M3 Class II and III pneumatic control and hydraulic energy transmission N2 pneumatic control and hydraulic energy transmission	11/7/2016
REGULATION (EC) 715/2007	LIGHT EMISSIONS	Category N1 Class II & III, N2 Vehicles that don't comply with Euro 6b emissions with Euro 6 ODB	1/9/2016
REGULATION (EU) 1229/2012	EC SMALL SERIES TYPE APPROVAL	EC Small Series issued before 1/11/2012 lose validity	31/10/2016



EU DIRECTIVE / EU REGULATION	SUBJECT (DESCRIPTION)	VEHICLE CATEGORY AFFECTED	APPLICATION DATE IN THE DIRECTIVE (For registration or entry-into- service)
REGULATION (EC) 661/2009	TYRES	M, N and O vehicles fitted with tyres that comply with Annex II Part C Table 1 (tyre rolling noise requirements) and Annex II Part B Table I (tyre rolling resistance requirements) including C3 class tyres	1/11/2016
2006/40/EC	<u>AIR CONDITIONING SYSTEMS</u> : Prohibition on using systems with gas with a global warming potential (GWP) greater than 150	M1 & N1 (Class 1), or STU	1/1/2017
REGULATION (EC) 78/2009	PEDESTRIAN PROTECTION: Annex 1 Section 3 of 78/2009	M1 max mass <2500kg N1 max mass <2500Kg	24/2/2018
REGULATION (EC) 661/2009	TYRES	M, N and O vehicles fitted with C1 and C2 tyres that comply with Annex II Part B Table 2 rolling resistance limits	1/11/2018
REGULATION (EU) 347/2012	ADVANCED EMERGENCY BRAKING SYSTEMS APPROVAL LEVEL 2	M2, M3, N2, N3 with exceptions	1/11/2018
REGULATION (EC) 78/2009	PEDESTRIAN PROTECTION: Annex 1 Section 3 of 78/2009	M1 max mass >2500kg N1 max mass >2500kg	24/8/2019
REGULATION (EC) 661/2009	TYRES	M, N and O vehicles fitted with C3 tyres that comply with Annex II Part B Table 2 rolling resistance limits	1/11/2020



We will be organising end-of-series exercises according to the rules below:

For ECWVTA vehicles

If you have stocks of vehicles still unsold which will not comply with the requirements of the Directive listed, then we can allow a further period of 12 months from the specified 'must comply' date during which the vehicle can enter into service (18 months in the case of a 'multi-stage' vehicle, for instance one which is built by one company and completed by another). To encourage an early move to the newer standard, this allowance can only be given for vehicles covered by an EC certificate of conformity which remains valid for three months or more before the date specified in the Directive. As an example, if a Directive specifies that a vehicle must comply by 1/1/2011, we can allow derogation **ONLY** for vehicles which have a COC issued before 1/10/2010. A vehicle manufactured on or after 1/10/2010 that does not comply with the new standard must be registered before 1/1/2011.

New Small Series National Type Approval (SSNTA) and EC Small Series Type Approval (ECSSTA) schemes fall under the RFD and therefore the 3 month rule will apply to them as well.

For Agricultural Tractors

Derogation will be for up to 10% of the total numbers of tractors put into service by the manufacturer during the 24 months previous to the into-force date of the new standard. Derogated vehicles must be manufactured before the into force date of the new standard.

Where 10% would be less than 20, 20 tractors may be derogated.

The derogation period will run for 24 months from the introduction of the new standard for complete vehicles and 30 months for completed vehicles.

ADDITIONAL IMPORTANT INFORMATION

Note 1

No amendment to the approval of a type of vehicle shall be required if the new requirements are from a technical point of view, irrelevant to that type of vehicle or concern categories of vehicle other than the category to which it belongs.

Hence the approval of a type of vehicle that does not need to be amended, under the terms of Article 14.4 of the RFD, remains valid. Inherently, therefore, CoCs for that type of vehicle should be considered valid and the manufacturer need not take advantage of the end-of-series provisions in Article 27.1.

If the end-of-series provisions are not utilized then no submission to VCA is required.

Note 2

Multistage build

The UK has opted for the 3 month rule on vehicles approved under 2007/46/EC. For multi stage build, either the first stage manufacturer or the second stage manufacturer could apply for derogation, but the applicant must meet the requirements which amongst other things include the requirement to have a EC COC issued more than 3 months before it loses its validity due to the introduction of new legislation.



If the first stage manufacturer applies for the derogation, the second stage manufacturer can rely on that derogation, as long as no changes are made to the vehicles that affect the validity of the derogation. So for emissions where the first stage manufacturer applies for the derogation, the second stage manufacturer mustn't make any changes to the vehicle that affect the emissions approval. As long as the first stage manufacturer issues an incomplete COC and identifies vehicles which he will be passing to a second stage manufacturer, then the end of series derogation will be for a period of 18 months.

HOW TO APPLY

You should apply stating the technical or economic reasons for the application. Applications should be submitted as soon as is practical preferably 1 month before a new standard comes in for applications under the 3 month rule.

You need to submit a list of the vehicles affected, arranged (where necessary) in model order. Specify the VIN number and the approval number and the date of production. For applications under the % rules please provide a short statement with the number of vehicles registered in the previous 12 /24 months. This list should be in Excel. You should specify the Directive from which you are seeking derogation.

A pro-forma application form follows on the next page :-



Derogation Application from Directive / EC Reg No

Part A

1. Make (Trade name of manufacturer):	
2. Vehicle type:	
3. Name and address of manufacturer:	

For converters only

1. Make (Trade name of converters):	
2. Vehicle type:	
3. Name and address of converter:	

Part B

Please state the economic and/or technical reasons on which this application is based:

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Part C

Please provide a separate excel spreadsheet (not pdf's) with the following details:

Make	Model	Type Approval No. (If relevant)	VIN No's.	Date of Production of Base Vehicle	Date of Completion of Conversion (If relevant)

Part D

The total number of vehicles	
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applied for in Part C above is:	
The total number of vehicles of this kind sold in the previous *12 / **24 month period is: (only required for percentage based end of series allowances) * For GVNTA 12 month figure ** For Tractors 24 month figure	

Part E

The particulars set out in Part C to this notice in relation to each vehicle listed in that part are accurate. The vehicles listed are intended for use in the United Kingdom.

Dated	
Signature	
Name	
On behalf of	



NRMM & TRACTOR SELL OFF & FLEXIBILITY SCHEME

2 YEAR SELL OFF PROVISION

There are two separate and distinct derogations in the tractor emissions Directive and NRMM emissions Directive. The first of these is the optional 2-year sell-off period, which allows Member States to postpone into service dates by 2 years for engines manufactured before the Stage change date. UK chose to allow this delay. It is worth noting that Directive 2005/13/EC introducing Stages IIIA, B & IV makes this delay mandatory for these Stages rather than leaving it to Member States to choose whether or not to allow it.

VCA does not need to keep any record of engines entering into service under these 2-year delay allowances, so no lists will need to be submitted by manufacturers in respect of this.

FLEXIBILITY SCHEME

The second form of derogation is the flexibility scheme. Broadly speaking this scheme allows tractor and NRMM manufacturers (hereafter referred to as OEM's) to procure a limited number of engines that meet only the previous Stage of emissions limits and then sell tractors/NRMM fitted with these engines. The intent of this scheme is to allow OEM's to delay the redesign of niche products e.g. vineyard tractors. We are obliged to include the flexibility provisions in our transposition of the Directives. Requirements for the flexibility scheme are set out in Annex IV of Directive 2000/25/EC, as amended by Directive 2005/13/EC, and Annex XIII of 97/68/EC and these do require record keeping by the type approval authority. Further explanation of the flexibility scheme is set out below.

An OEM must submit an application to an approval authority, in the period between two emission stages, to use the flexibility scheme to procure engines complying with the immediately preceding emissions stage. Applications must declare the number of engines for inclusion for placement on the market, which the tractor manufacturer must decide using one of two options:

The number of an OEM's products placed on the flexibility scheme should not exceed 20% of their annual sales by engine category as defined by power output. An Annex listing engine categories is attached. Such numbers are calculated as the average of the latest 5 years sales on the EU market. An OEM may have marketed products in the EU for less than 5 years. If so, the average will be calculated based on the period it has done so in the EU.

Directives 2011/72/EU and 2011/88/EU amend this percentage to 40% (for tractors) and 37.5% (for NRMM). However until the transposition of these directives is complete VCA cannot apply the revised allowances.

Alternatively, the OEM may request that his engine suppliers place on the market a fixed number of engines, in each category as follows:

ENGINE CATEGORY	NUMBER OF ENGINES
19-37Kw	200
37-75Kw	150
75-130Kw	100
130-560kw	50



The revised allowances for tractors are:-

ENGINE CATEGORY	NUMBER OF ENGINES
19-37Kw	200
37-75Kw	175
75-130Kw	250
130-560kw	125

The revised allowances for NRMM are:-

ENGINE CATEGORY	NUMBER OF ENGINES
37-56kW	200
56 -75Kw	175
75-130Kw	250
130-560kw	125

But please note we can't apply the new allowances until transposition of the Directives is complete.

OTHER INFORMATION TO BE SUPPLIED BY THE OEM TO THE APPROVAL AUTHORITY (VCA)

Labels

The OEM's application to an approval authority must provide an application form obtainable by emailing flexibility@vca.gov.uk, a brochure for the equipment, the type approval documentation for the engines and a sample of the following labels,

Labels to be stuck to each tractor placed on the market under the flexibility scheme. Such labels would state, "MACHINE NO...OF... WITH ENGINE SERIAL NUMBER AND ENGINE TYPE APPROVAL NO....."

A sample of the supplementary label to be affixed on the engine should bear the words, "engine placed on the market under the flexibility scheme". This label would normally come from the engine manufacturer and may incorporate other engine information as well.

For Tractor flexibility the OEM must inform the approval authorities of each Member State that they have been granted use of the flexibility scheme. This is no longer required for NRMM flexibility.

For Tractor flexibility the OEM must submit a report every six months to the approval authorities of each Member State on their products and engines placed on the market under the flexibility scheme. This report would provide details of engine and machine serial numbers and the Member States where they have been entered into service. These procedures shall continue as long as a flexibility scheme is still in progress. This is no longer required for the NRMM flexibility scheme although information should be provided on request from approval authorities.



<i>Power Output (P) in kW</i>	<i>Production date</i>	<i>Date of initial entry into service</i>	<i>Category</i>	<i>Emissions Stage</i>
130 ≤P ≤560	On or before 30.12.2005	31.12.2007 to 30.12.2012	H	IIIA
	31.12.2005 to 30.12.2010	31.12.2005 to 30.12.2012	H	IIIA
	On or before 30.12.2010	31.12.2012 to 30.12.2015	L	IIIB
	31.12.2010 to 30.12.2013	31.12.2010 to 30.12.2015	L	IIIB
	On or before 30.12.2013	31.12.2015 onwards	Q	IV
	31.12.2013 onwards	31.12.2013 onwards	Q	IV
75 ≤P <130	On or before 30.12.2006	31.12.2008 to 30.12.2013	I	IIIA
	31.12.2006 to 30.12.2011	31.12.2006 to 30.12.2013	I	IIIA
	On or before 30.12.2011	31.12.2013 to 29.09.2016	M	IIIB
	31.12.2011 to 29.09.2014	31.12.2011 to 29.09.2016	M	IIIB
	On or before 29.09.2014	30.09.2016 onwards	R	IV
	30.09.2014 onwards	30.09.2014 onwards	R	IV
56≤P <75	On or before 30.12.2003	31.12.2005 to 30.12.2009	G	II
	31.12.2003 to 30.12.2007	31.12.2003 to 30.12.2009	G	II
	On or before 30.12.2007	31.12.2009 to 30.12.2013	J	IIIA
	31.12.2007 to 30.12.2011	31.12.2007 to 30.12.2013	J	IIIA
	On or before 30.12.2011	31.12.2013 to 29.09.2016	N	IIIB
	31.12.2011 to 29.09.2014	31.12.2011 to 29.09.2016	N	IIIB
	On or before 29.09.2014	30.09.2016 onwards	R	IV
	30.09.2014 onwards	30.09.2014 onwards	R	IV
37 ≤P <56	On or before 30.12.2007	31.12.2009 to 30.12.2014	J	IIIA
	31.12.2007 to 30.12.2012	31.12.2007 to 30.12.2014	J	IIIA
	On or before 30.12.2012	31.12.2014 onwards	P	IIIB
	31.12.2012 onwards	31.12.2012 onwards	P	IIIB
19 ≤P <37	On or before 30.12.2006	31.12.2008 onwards	K	IIIA
	31.12.2006 onwards	30.12.2006 onwards	K	IIIA
18 ≤P <19	31.12.2001 onwards	31.12.2001 onwards	D	II



Separate Shipment

The transition to the Stage IIIB emissions standard for non-road mobile machinery engines has led to questions about whether it is permissible for an engine manufacturer to ship engines and exhaust after treatment devices to machine builders in separate packages. These questions have arisen because, whilst some interested parties have pointed out that the engine does not meet the requirements of the legislation unless it is assembled as a complete system with the after treatment, an engine assembled with the complete exhaust system for the machine into which it will be fitted would be a very bulky and expensive package to ship.

There is no objection to an engine manufacturer shipping the engine itself and the exhaust after treatment devices that go with it to a machine builder in separate packing cases providing that these are despatched effectively simultaneously, or that the engine is despatched shortly after the after treatment device, and that appropriate care has been taken to ensure that the machine builder will be able to identify and assemble the components properly. There is not likely to be an objection to an engine manufacturer arranging direct delivery of an after treatment device from his supplier to the machine builder on the same basis as he might separately ship the engine and the after treatment device from his own works. If the after treatment device were to be shipped significantly after shipment of the engine, however, or if the machine builder were to be left to order the device himself, the engine would be likely to be considered to have been placed on the market illegally.