

(English version)

Question for written answer E-001704/26
to the Commission
Fulvio Martusciello (PPE)
(27 April 2026)

Subject: Urgent measures to tackle those who take advantage of the ‘last substantial transformation’ rule to obtain the ‘Made in Italy’ label for foreign products

In the case of goods whose production involves more than one country, the principle of last substantial transformation laid down in Article 60 of the Union Customs Code establishes the non-preferential origin of these products as the country in which they underwent their last, substantial, economically justified working, in an undertaking equipped for that purpose, resulting in the manufacture of a new product or representing an important stage of manufacture.

Every year, thousands of tonnes of foreign food products enter Italy through the Brenner Pass as part of a practice that deceives consumers, entails health risks and also damages agricultural businesses by squeezing prices, wages and export margins.

The principle of last substantial transformation enables operators to slap the ‘Made in Italy’ label on products made from foreign raw materials that have only been in Italy long enough to undergo the final working stage.

This practice concerns key products, from tomato concentrate to the 150 000 tonnes of mozzarella curd that Italy imports every year, 90% of which enter the country through the Brenner Pass.

In the light of the above, does the Commission not agree that it should revise the customs rules for agri-food products with a view to empowering and protecting farmers and consumers by preventing operators from exporting low-quality, non-EU products under the ‘Made in Italy label — a practice that is made possible by a principle that applies to all goods that undergo the final transformation stage in Italy, no matter how inconsequential this process might be?

Submitted: 27.4.2026

Answer given by Mr Várhelyi on behalf of the European Commission
(3 July 2026)

Under Article 26(3) of Regulation (EU) No 1169/2011 ⁽¹⁾, where the origin of a processed food — defined as the place of its last substantial transformation — is indicated, and this differs from the origin of its primary ingredient, the origin of that ingredient must also be declared or marked as different.

The aim of this provision is to ensure that consumers are not misled when the origin of the food and that of its primary ingredient does not coincide.

To assist citizens, business operators and national competent authorities in applying this Article 26(3), the Commission issued a notice ⁽²⁾.

As set out therein, this requirement applies to single-ingredient processed foods, bearing origin claims such as those referenced by the Honourable Member and where the last substantial transformation occurs in a different place than the origin of the raw material ingredient or where the ingredient was sourced from different places.

The Commission services are currently evaluating the non-preferential rules of origin laid down in the Union Customs Code (UCC) ⁽³⁾, focusing on whether they are still fit for purpose across an increasing number of policies.

The last substantial transformation as set out in Article 60(2) of the UCC is the underlying principle for the determination of the country of non-preferential origin, anchored in the WTO ⁽⁴⁾ Agreement on Rules of Origin.

This principle has been confirmed by the ECJ ⁽⁵⁾ jurisprudence. The evaluation encompasses the application of the last substantial transformation concept, but not the concept as such.

⁽¹⁾ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004, OJ L 304, 22.11.2011, pp. 18–63.

⁽²⁾ Commission Notice on the application of the provisions of Article 26(3) of Regulation (EU) No 1169/2011/2020/C 32/01, C/2020/428, OJ C 32, 31.1.2020, pp. 1–8.

⁽³⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, OJ L 269, 10.10.2013, pp. 1–101.

⁽⁴⁾ World Trade Organisation.

⁽⁵⁾ European Court of Justice.

The Commission remains committed to working with Member States and stakeholders to ensure that labelling practices reflect the true origin of foods while upholding the integrity of the single market.
