

Regulation
of the Upper Austrian Provincial Government on the Application of Plant Protection
Products by Unmanned Aerial Vehicles
(Upper Austrian Plant Protection Drones Regulation)

On the basis of § 18(3) Upper Austrian Soil Protection Act 1991, LGBl. (Provincial Law Gazette) No. 63/1997, in the version of the provincial Act in LGBl. No. 40/2023, it is decreed:

§ 1

General information

This Regulation lays down detailed rules for the authorisation for the use of plant protection products with unmanned aerial vehicles (drones).

§ 2

Application

(1) Authorisation to use plant protection products by means of drones in accordance with § 18(3) Upper Austrian Soil Protection Act 1991 must be applied for by the professional user at the district administrative authority locally responsible for the intended application areas.

(2) The application must include the following:

1. The name, address and telecommunications data of the applicant;
2. Information on the drone and the technology to be used,
3. Data on the location of the intended application areas (e.g. Cadastral municipality and plot numbers or spatial data of the affected plots), at least the designation of the municipalities concerned,
4. Name of the plant protection products to be used,
5. Indication of the crops to be treated and the harmful organisms to be combated,
6. Plan of application with the amounts of the plant protection products and expected dates of use or periods of application,
7. Justification why, according to current state of knowledge, there are no comparable other possibilities for a sufficiently effective application of the plant protection products with a drone or why there are clear advantages over application from the ground in terms of reduced effects on human health and/or the environment.

§ 3

Authorisation

(1) The district administrative authority shall grant the authorisation by reference to the application plan applied for, if the following conditions are met:

1. There must be no viable alternatives or there must be clear advantages over the ground-based application of plant protection products in terms of lesser effects on human health and/or the environment.
 2. The application will not be made in the immediate vicinity of residential areas.
 3. The plant protection products intended for use must be approved in the official register of plant protection products for use with aircraft and must be intended for use in accordance with the approval rules.
 4. The professional user must have a valid certificate of expertise in accordance with § 17 of the Upper Austrian Soil Protection Act 1991
- (2) The district administrative authority shall prescribe in the approval decision
1. for which crops and under what circumstances, including weather conditions, the application is approved;
 2. specific risk management measures that prevent adverse effects on the health of persons present when the application areas are in close vicinity to publicly accessible areas;
 3. what measures are necessary to protect nearby residents and persons present during the application and in good time to warn and protect the environment in the areas of application;
 4. that the drones used must be equipped with equipment that is the best available technology to reduce drift.
- (3) The authorisation shall be granted for a maximum period of one year.
- (4) The plant protection authority in accordance with § 3 of the Upper Austrian Phytosanitary Act 2019 shall advise the district administrative authority on technical matters.

§ 4

Notification of the application

(1) The professional user shall notify the district administrative authority of any actual application in accordance with the notice of approval in due time, but no later than the penultimate working day before the intended application, during official hours. Saturdays are not considered working days.

(2) The notification must also be sent simultaneously to the plant protection authority in accordance with § 3 of the Upper Austrian Phytosanitary Act 2019.

(3) The notification shall contain information on the specific application areas (municipality names, cadastral municipalities and plot numbers or spatial data of the affected plots), the exact time of application as well as the quantities and types of plant protection products intended for actual application and the crops to be treated.

(4) If the application is not prohibited by the district administrative authority, it may be carried out.

§ 5

Informing the public

The district administrative authorities shall without delay transmit to the Provincial Government the relevant information on authorised applications, such as the possible application areas, the expected date and times of the applications and the approved plant protection product types for the purpose of publication on the internet on the homepage of the Province of Upper Austria.

§ 6

Entry into force

This ordinance shall enter into force at the end of the day of its promulgation in the Provincial Law Gazette for Upper Austria.

On behalf of the Provincial Government of Upper Austria:

Langer-Weninger

Member of Provincial Government