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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	AOB item for the meeting of the "Agriculture and Fisheries" Council on 9 and 10 December 2024: The need to establish appropriate legislation for the use of drones to contribute to the resilience of agricultural systems – *Information from Portugal, supported by Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, Italy, Latvia, Lithuania, Romania, Slovakia, Spain and Sweden*

Precision farming is a set of techniques and technologies that enable the efficient resource management, including phytosanitary treatments, minimising the impact on the environment and on human safety, thus complying with the Sustainable Development Goals.

Drones are expected to enable targeted application of pesticides used in plant protection under specific conditions, increasing the efficiency and precision of their use, contributing to the reduction of the quantities of used pesticides along with the potential to reduce risks to human health and the environment, compared to the use of professional aerial or ground equipment.

These objectives are aligned with the targets for the sustainable use of pesticides, namely in terms of promoting the adoption of new technologies, such as precision farming, which makes use of spatial data and services, including geo-localisation techniques.

According to the Directive 2009/128/EC[1], establishing a framework for Community action to achieve the sustainable use of pesticides, the aerial spraying is prohibited. Whereas Member States may grant derogations only in special cases provided that appropriate conditions are met. At the time of adoption of this directive, the benefits of drones were not considered, and this is why they remain fully within the scope of abovementioned rules.

The proposal for a Regulation on the Sustainable Use of Plant Protection Products (SUR) already included the possibility of allowing the use of this technology in the European Union, if certain conditions were met *ie* it can be demonstrated that the risks arising from its use are equal or lower compared to the risk arising from other application equipment.

Following the rejection of this proposal by the European Parliament, the lack of progress in the Council debates and the protests of European farmers, the Commission decided, in 2024, to withdraw the proposal[2]. It must be stressed that provisions aimed to update current rules on aerial spraying were supported by Member States.

Given the technological advances in recent years in the field of precision farming tools, it is important to recognise the role to be played by drones, thus enabling a combined action between monitoring, data management and analysis and decision-making, thus contributing to the sustainability of the sector in environmental, economic and social terms and the sustainable use of pesticides.

However, to guarantee the sustainability and safety of the use of this technology, it is necessary to know and consider the different factors that have the potential to constrain it, which is why it is necessary to establish appropriate requirements and regulations for the use of this type of aircraft.

We therefore call on the Commission to present, without delay, clear guidance and a proposal on the use of drones for the application of plant protection products, including procedures for risk assessment and risk management and the inclusion of certain criteria such as those already identified in the draft SUR regulation.

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1 https://eur-lex.europa.eu/eli/dir/2009/128/oj

2 Withdrawal decision was published on 6 May 2024 in the EU Official Journal