

Act on the Reform of Intelligence Service Law

The draft law is a fundamental amendment to the law of the intelligence services. The leitmotif is to strengthen them operationally in order to ensure the highest level of security for the people of Germany and their freedom.

The amendment to the Intelligence Service Act serves to improve the investigation of fundamental threats to our community. To this end, the operational capabilities of the intelligence services will be strengthened. This is especially true for the digital world. IT will no longer remain a refuge for attackers for unobserved preparation for crimes. The early warning system will be adapted to the digital present with the power of "online searches".

Gaps in protection are closed. The intelligence services are given the authority to take active protective measures. If they recognize dangers that other agencies – such as the police – cannot avert equally effectively, the intelligence services will be able to intervene themselves within narrow limits in the future. This applies, for example, to ongoing cyber attacks, if the intelligence service has already infiltrated the attacker's IT structure for reconnaissance purposes and discovers the attack tool there on which it – and only it – can act on an ad hoc basis to avert damage. In such a situation, it is irresponsible to continue to let the damage take its course.

Intelligence service law will also be improved in terms of the rule of law. It will be given a new system that structures the powers under adequacy requirements and creates clearer regulations. Professional secrets and the core area of privacy are better protected. The independent preliminary inspection will be extended to further intensive interventions to protect those affected. The control structure will be made more effective by bundling.

The new regulations focus on the Federal Office for the Protection of the Constitution and the Federal Intelligence Service. A first reform stage for the Military Counterintelligence Service had already been preceded at the beginning of the year, and a second – to adapt to the overall reform – is now being developed in parallel. The current centrepiece is therefore the new Federal Protection of the Constitution Act, the new BND Act and the first regulation of a law on legal control by the Independent Control Council.

The cabinet decision was made on 12 August 2026. In addition, the Bundesrat will first comment and then the Bundestag will deal with the government draft.