# Germany Legalises Covert Action: Intelligence Agencies Gain Hacking and Sabotage Powers

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## Covert powers shift decisions from parliament, testing Berlin's own legal doctrine

On 13 November, the Bundestag passed a landmark intelligence reform allowing German agencies to actively intervene rather than merely observe. Under Independent Control Council oversight, the foreign intelligence service (BND) can now more easily hack hostile systems abroad, disable servers, and sabotage supply chains, provided operations do not endanger life or limb. The domestic intelligence agency (BfV) gains narrower intervention powers, while both services may deploy AI analytics and biometric facial matching.

The law's deepest shift is constitutional. Armed Bundeswehr deployments require a parliamentary mandate BND operations do not. Authorising covert sabotage, such as disrupting hostile drone supply chains, gives the Chancellery a tool to act coercively abroad without a Bundestag vote, quietly moving quasi-military powers beyond parliamentary reach.

It also calls into question Berlin's legal doctrines. Germany's 2021 position on international law treats cyber sovereignty like territorial sovereignty, making cross-border hacking presumptively unlawful unless justified as a proportionate countermeasure. This new reform indicates that domestic authorisation has outpaced the international norms Berlin publicly defends.

A similar contradiction emerges with regards to AI in warfare. At the UN, Germany demands meaningful human control over autonomous weapons. Yet this new law could permit automated systems to trigger cyber "hack-backs" without human sign-off, potentially waiving at home a standard Berlin champions abroad and raising ethical questions about how covert operations will be planned and executed.

Finally, the bill externalises risk onto the private sector. Telecoms must freeze data on order, while defence firms will likely face state-backed retaliation for covert operations they neither authorised nor knew about, shifting national security costs onto actors with no say in the decision.

Likely intended as a deterrent to Russian and Iranian sabotage, it may invite hybrid escalation instead.