



## Terms of Reference of the National Security Council

### Section 1

- (1) The National Security Council is a Federal Government Cabinet Committee.
- (2) The National Security Council is the Federal Government's central body for decision-making on cross-cutting issues of national security. The National Security Council:
  1. coordinates key issues of integrated security policy within the Federal Government at the nexus of internal, external, economic and digital security as well as civil and military defence,
  2. integrates Federal Government information and intelligence on cross-cutting issues of national security and conducts a joint assessment of the situation,
  3. develops strategies and provides strategic foresight, and
  4. addresses arms export control policy and strategically significant individual cases; it may also discuss important strategic questions with respect to exports in the area of dual-use technologies of major security policy significance.

The National Security Council shall take preliminary decisions to the extent possible or prepare issues for political decision by the Federal Chancellor or the Federal Government. It may also take final decisions, unless a decision of the Federal Government as a whole is required under the Basic Law or federal law. National Security Council meetings may, at the behest of the Chair, be conducted in their entirety or in part in closed session, with agenda items and decisions taken being classified up to STRENG GEHEIM (TOP SECRET).<sup>1</sup> The National Security Council may decide to publish individual decisions.

(3) The members of the Federal Government must keep the National Security Council informed on an ongoing basis regarding the planning and implementation of measures of special significance to the security policy domain that lie within their respective remits. They will provide the National Security Council with all information necessary for the performance of its tasks, except where there is an overriding need to protect intelligence sources and contacts, intelligence-gathering methods and technology, and information originating from foreign intelligence agencies ("third-party rule").

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<sup>1</sup> The Security Clearance Check Act (*Sicherheitsüberprüfungsgesetz, SÜG*) and the General Administrative Regulation on Physical Security (*Verschlusssachenanweisung, VSA*) shall remain unaffected by the provisions of these Terms of Reference.

## Section 2

(1) The National Security Council is chaired by the Federal Chancellor, with his<sup>2</sup> deputy chairing the Council in his absence. Should the deputy be unavailable, this role will be assumed by another member of the National Security Council, in which case the Federal Government's official order of precedence shall apply.

(2) The National Security Council comprises the following members in addition to the Federal Chancellor:

1. the Federal Minister of Finance,
2. the Federal Minister of the Interior,
3. the Federal Minister for Foreign Affairs,
4. the Federal Minister of Defence,
5. the Federal Minister for Economic Affairs and Energy,
6. the Federal Minister of Justice and Consumer Protection,
7. the Federal Minister for Digital Transformation and Government Modernisation,
8. the Federal Minister for Economic Cooperation and Development, and
9. the Head of the Federal Chancellery.

Other members of the Federal Government will be invited to attend those parts of National Security Council meetings that focus on topics within their remit.

(3) Representatives of the *Länder* may also be invited to attend National Security Council meetings.

## Section 3

(1) In addition to members and invited representatives of the Federal Government, National Security Council meetings are attended by:

1. the Head of the Press and Information Office of the Federal Government,
2. the Chief of Defence,
3. the Presidents of the Federal Intelligence Services,
4. the President of the Bundeskriminalamt (Federal Criminal Police Office),
5. the President of the Federal Police Headquarters, as well as

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<sup>2</sup> To enhance readability, the masculine form is used in these Terms of Reference.

6. those charged with conducting the Council's business (section 5 (1)) and taking the minutes (section 7 (1)).

Should a participant mentioned in sentence 1 be unavailable, he may appoint a representative to attend on his behalf. Furthermore, the Head of the Office of the Federal President or the person appointed to attend on his behalf may also participate in meetings of the Council. Representatives of other authorities may be invited to attend meetings as needed.

(2) The Chair may limit participation in National Security Council meetings to members of the Federal Government.

(3) The Chair may, on a case-by-case basis or permanently, authorise participation by additional individuals who, based on their assigned responsibilities or exceptional expertise, can contribute to decision-making in the National Security Council.

(4) The Chair may invite representatives of other countries, the European Union, NATO and other international organisations to participate in National Security Council meetings. Invitations will be made in consultation with the member of the Federal Government with lead responsibility for the topic of the consultation.

#### **Section 4**

(1) The Chair shall set the agenda and determine the place and time of the meetings. The members may propose items for the agenda. At the request of a member, the Chair shall decide without delay whether to convene a meeting of the National Security Council. If the Federal Chancellor is unavailable, the Head of the Federal Chancellery shall consult with the individuals referred to in section 2 (1), after which he shall issue invitations to the meeting.

(2) The National Security Council Secretariat will, in cooperation with the ministries, draw up the preparatory documents, making them available to the participants in good time prior to the meetings. The Chair may limit distribution of the preparatory documents to those members of the Federal Government that are also members of the National Security Council.

#### **Section 5**

(1) The affairs of the National Security Council will be conducted by the Head of the National Security Council Secretariat in the Federal Chancellery, in coordination with the Head of the Federal Chancellery. He will ensure that meeting invitations are issued, with agendas enclosed.

(2) The National Security Council Secretariat in the Federal Chancellery to which the members of the National Security Council second military and civilian liaison officers will prepare National Security Council meetings, under the direction of the Head of the National Security Council Secretariat. He will in particular propose to the Chair the matters to be discussed and the order in which they are to be dealt with and shall ensure that preparatory documents are submitted in a timely manner. Allied countries may, at the invitation of the National Security Council, second military and civilian liaison officers to the National Security Council Secretariat.

## **Section 6**

(1) The National Security Council may establish interministerial committees. These committees shall be tasked with deliberating on specific issues and preparing submissions to the National Security Council ready for decision-making. These committees may include individuals who, based on their assigned responsibilities or exceptional expertise, can contribute to decision-making in the National Security Council.

(2) A preparatory committee, as a rule composed of one State Secretary from each Federal Ministry that is a member of the National Security Council (section 2 (2)), shall discuss in advance and to the extent possible issues that are relevant to the National Security Council, coordinate the state of play of overall efforts under the lead of the Head of the Federal Chancellery and arrange for the members of the National Security Council to be informed at an early stage.

(3) In the field of arms exports, a permanent interministerial preparatory committee shall be established under the lead of the Federal Chancellery that includes the Federal Ministry of Finance, the Federal Ministry of the Interior, the Federal Foreign Office, the Federal Ministry of Defence, the Federal Ministry for Economic Affairs and Energy, the Federal Ministry of Justice and Consumer Protection and the Federal Ministry for Economic Cooperation and Development, with each ministry represented, as a rule, by a State Secretary. It shall to the extent possible make preliminary decisions in the field of arms export policy.

## **Section 7**

(1) Minutes will be taken that reflect the outcome of the discussions of the National Security Council. Before circulating the minutes, the Head of the National Security Council Secretariat shall obtain the consent of the Chair.

(2) The minutes will be sent to the members of the National Security Council, as well as to the Head of the Office of the Federal President and the Head of the Press and Information Office of the Federal Government. Members of the National Security Council may, in duly justified cases and within their remit, request amendments to the minutes. Additional members of the Federal Government invited to attend a meeting shall be informed in writing of the results of the meeting that concern their ministry.

(3) The distribution of the minutes may be limited in whole or in part to the members of the National Security Council. The Chair may classify the minutes in whole or in part up to the level of STRENG GEHEIM (TOP SECRET).

## **Section 8**

(1) The Federal Government shall inform the German Bundestag of final decisions relating to the issue of licences in the sphere of arms export control that were preceded by a referral to the National Security Council. This information must always be provided in writing and include the type and number of licensed goods, the recipient country, the applicant companies and

the total volume of the transaction, unless interests protected under the Basic Law preclude disclosure in individual cases. A subsequent oral explanation may be given, if warranted. The obligation to maintain confidentiality in accordance with section 1 (2) sentence 5 and section 7 (3) shall not apply or apply only to a limited extent.

(2) Decisions taken by the preparatory committee on the issue of licences (section 6 (3)) and decisions on the issue of licences based on previous preliminary enquiries shall be presented to the National Security Council for approval.

## **Section 9**

(1) These Terms of Reference shall enter into force on 28 August 2025.

(2) Licence applications and preliminary enquiries that were referred to the Federal Security Council or to its preparatory committee prior to 28 August 2025 will be further processed on the basis of the Terms of Reference of the Federal Security Council. The Terms of Reference of the Federal Security Council shall expire at the end of the day on 31 December 2025 and will until that date be applied only to cases covered by sentence 1. As of 1 January 2026, cases covered by sentence 1 that have not been fully processed by 31 December 2025 will be further processed by the National Security Council and the preparatory committee referred to in section 6 (3) on the basis of these Terms of Reference.