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Drones over Germany – plugging legislative and technical gaps

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At the beginning of October, unidentified drones were spotted over Munich Airport, disrupting operations at the facility for several hours. This was yet another incident of its kind in recent weeks. At the end of September, drones were seen flying over military sites and critical infrastructure in Schleswig-Holstein. According to media reports, these included the Heide refinery and the ThyssenKrupp Marine Systems submarine shipyard. Security authorities in both federal states have launched investigations. Chancellor Friedrich Merz (CDU) said the growing number of such incidents was a 'serious threat' to Germany's security and suggested that Russia was likely behind most of them.

The official number of drone-related incidents remains unknown, as the Federal Criminal Police Office's report is classified. However, media sources indicate that in 2022 there were 172 drone flyovers of military infrastructure, rising to 446 in 2023. According to Germany's air traffic control service, by the end of September there had been 172 drone-related disruptions to civilian air traffic.

The authorities are treating the risk of drones being used to destabilise the country with increasing seriousness. Legislative changes and an expansion of law enforcement powers have been announced. However, this alone is insufficient. A key challenge remains the lack of equipment capable of neutralising such threats safely for civilians and without incurring high financial costs.

Commentary

- **Legislative changes and closer coordination between politicians at various levels and law enforcement agencies could improve protection against drones.** In Germany, internal security is primarily the responsibility of the federal states and their respective security agencies. Control over airports, railway infrastructure, federal buildings, and maritime traffic falls under the jurisdiction of the Federal Police, while military facilities are overseen by the armed forces. On 8 October, the government approved a draft amendment to the Federal Police Act, expanding the agency's powers to include combating drones, including authorising their destruction. The government plans to allocate €90 million annually for the necessary equipment and the hiring of additional personnel. Federal Interior Minister Alexander Dobrindt (CSU) announced plans to establish a competence centre for drone defence to enhance cooperation between federal and regional authorities and the Bundeswehr. He also noted that Germany would

strengthen cooperation with Israel and Ukraine in the area of drone defence.

- **The most controversial proposal is the planned amendment to the Aviation Security Act, which would allow the Bundeswehr to assist in intercepting drones.** For historical reasons, the deployment of the military within Germany is strictly regulated by the Basic Law and is permitted only under specific circumstances, such as during natural disasters or at the request of a federal state. The Federal Ministry of Justice (SPD) has expressed scepticism about the proposed changes, pointing out that they may require an amendment to the Constitution – something that would need a two-thirds majority in both the Bundestag and the Bundesrat. The Federal Ministry of Defence (SPD) is also reluctant to see the Bundeswehr's responsibilities expanded.
- **The armed forces and law enforcement agencies currently have limited capabilities to counter unmanned aerial vehicles.** Detecting and tracking small, low-flying objects, such as civilian drones, presents a particular challenge. As a result, it is presently impossible to prevent drones from entering restricted airport zones in advance. In addition, both the police and the military have relatively few electronic-warfare systems capable of using non-kinetic means to force drones to land or retreat effectively. A temporary solution for low-flying targets could involve equipping police and security personnel with smoothbore shotguns and buckshot ammunition. However, these are ineffective beyond a range of 100 metres and pose a significant risk of collateral damage. The deployment of military-grade automatic anti-aircraft guns or man-portable air-defence systems (MANPADS) to protect every airport in Germany is financially, logistically, and operationally unfeasible. Crucially, such a move would pose excessive risks to both people and infrastructure – an unacceptable cost in peacetime.