

Strong Customer Authentication – Does SCA Really Prevent Agentic Payments?

(25th of September 2026)

Introduction to Agentic Payments & the SCA Conflict

Agentic Payments involve AI agents using allocated budgets to automatically make purchases, enter contracts, and execute payments.

Strong Customer Authentication (SCA) is mandated under regulatory frameworks such as Section 55 of Germany's Payment Services Supervision Act (ZAG) and PSD2.

SCA requirements demand authentication using at least two of three factors: knowledge, possession, or inherence.

1

Core conflict

Agentic Payments run automatically in the background, whereas SCA requires user authorization on a transaction-by-transaction basis.

2

Industry view

SCA is currently viewed in the payment industry as one of the main obstacles to autonomous AI transactions.

Industry Demands vs. Existing Legal Framework

General legal rule

Performing SCA on transactions remains the general legal rule under Section 55(1) of the ZAG.

Industry demand

Market participants request shifting SCA verification from single transactions to the order/prompt level.

Existing exceptions

Existing regulatory exceptions to SCA are defined in **Articles 10 et seq. of Delegated Regulation (EU) 2018/389**.

Current regulations already provide explicit legal exemptions that do not require transaction-by-transaction SCA.

Businesses developing Agentic Commerce models must actively incorporate these existing exemptions into product design.

The "Trusted Payees" Exemption

Under Delegated Regulation (EU) 2018/389, SCA is not required for merchants listed as trusted payees by the payer.

SCA is only triggered when the user creates or modifies their list of trusted payees with their payment provider.

Order-level shift

This allows shifting SCA to the moment the initial order is placed or configured with the AI agent.

Consumer safety net

Restricting AI agents to a trusted payee list provides a practical consumer safety net.

Limited discretion

This mechanism prevents AI agents from having unlimited discretion over merchant selection.

Small-Value and Specific Circumstance Exemptions

Small-value exemption

Electronic transactions do not require SCA if the individual amount does not exceed **30 euros**.

Cumulative cap

The exemption applies if total cumulative transactions without SCA do not exceed **100 euros**.

Consecutive limit

Under the amount-based exemptions up to **5 consecutive** electronic transactions can occur before a new SCA is required.

These rules are well-suited to significantly reduce SCA requests for micropayment agentic use cases.

Additional exemptions exist for recurring payments, low-risk transactions, and transfers between a payer's own accounts.

Strategic Implications for Product Design

Contrary to common assumptions, current regulations already offer viable pathways for Agentic Payments.

- Trusted payee lists effectively align order-level authentication proposals with current EU regulation.
- Micropayment exemptions offer immediate opportunities for high-frequency, low-value AI purchases.
- The applicability of exemptions depends entirely on the specific business use case.
- Companies must carefully review Delegated Regulation (EU) 2018/389 when building compliant Agentic Commerce products.

Contacts

Dr. Lutz Auffenberg LL.M. (London)

German Attorney at Law,
Partner at FIN LAW,
Specialist Attorney in Banking
and Capital Markets Law

**FIN LAW**

Rechtsanwaltsgesellschaft
mbH

Senckenberganlage 19
60325 Frankfurt am Main

E. info@fin-law.de

I. <https://fin-law.de>

T. +49 69 87 000 1320