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Brazilian Federal Court Suspends 3.6% Meal Voucher Fee Cap for Some Benefit Operators

The injunction restores earlier contract terms for ABBT-linked companies, with rival operators still subject to PAT limits

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A federal court in Brazil has temporarily suspended a 3.6% cap on fees charged to restaurants and other merchants that accept worker meal vouchers, easing part of a recent rule for a group of benefit operators while leaving the rest of the market under the new limits.

The preliminary ruling was signed on Monday, November 9, by the 22nd Federal Civil Court of the Federal District in Brasília. It applies only to companies represented in the case by the Associação Brasileira das Empresas de Benefícios ao Trabalhador, known as ABBT, an industry group for companies that manage employee benefit programs in Brazil.

The case centers on rules for the Programa de Alimentação do Trabalhador, or PAT, the federal framework that governs food benefits employers provide to workers. Under the regulation challenged by ABBT, operators were subject to a ceiling of 3.6% on the commercial commission charged to restaurants and other establishments, a 2% cap on interchange fees and a requirement to settle payments within a maximum of 15 calendar days.

The judge suspended those three requirements for the companies covered by the lawsuit. For those operators, the previous contractual terms on fees and settlement periods remain in force while the case moves forward. The decision does not remove the obligation for interoperability among payment networks, which means covered companies must still allow voucher cards and similar instruments to work across different accredited systems under the regulation.

The ruling does not strike down the PAT regulation as a whole, and it does not apply to all companies in the sector. Its reach is limited to the ABBT-associated operators protected by the injunction. Because the order restores earlier contract terms rather than setting new ones, it does not show how much fees or payment timing may change for any given restaurant, supermarket or other merchant that accepts the benefits.

That point is important for businesses trying to estimate the financial effect of the decision. The suspended 3.6% ceiling had set a maximum for merchant commissions, but many operators and merchants work under contracts with different pricing structures and settlement periods. As a result, some establishments may see no immediate change, while others could face higher fees or longer waits for payment if their prior contracts allowed that. The court order itself does not quantify those outcomes.

ABBT brought the case against the rule as part of a broader dispute over how Brazil should regulate the market for worker food benefits. The association represents companies that issue and manage benefits such as meal and food vouchers, which are widely used by employers as part of compensation packages. Restaurants, bakeries, supermarkets and other merchants that accept the vouchers have closely watched the issue because commission rates and settlement times directly affect cash flow and margins.

The court’s intervention means that, for now, the new caps will not bind the companies covered by the lawsuit, even though they remain in place for operators outside that group unless they obtain similar relief. That creates a split system in the market, at least temporarily, with one set of fee and settlement rules for ABBT-linked companies and another for competitors still fully subject to the regulation.

The full ruling was reproduced by the legal news outlet Migalhas on Tuesday, November 10. Migalhas reported that the injunction preserved the preexisting contractual framework for the protected companies and confirmed that interoperability requirements continue to apply. The judicial document published by the outlet is the primary source for the court’s order.

The dispute comes at a sensitive time for Brazil’s food-service sector. Merchant acceptance costs have been a recurring complaint among restaurants and other businesses that depend on voucher-based transactions. Regulators have sought to lower those costs and shorten settlement periods, arguing that tighter rules can improve competition and reduce the burden on establishments that serve workers using employer-funded benefits. Operators, however, have argued that strict caps can disrupt business models, contract structures and incentives in a market that also depends on network integration and payment processing arrangements.

The injunction does not resolve that policy debate. It only pauses part of the rule for the plaintiffs while the underlying legal challenge proceeds. The court has not yet issued a final judgment on the validity of the disputed provisions.

For merchants, the practical effect will depend on which operator handles the vouchers they accept and what their contracts said before the contested regulation took effect. A restaurant linked to an ABBT-associated operator could remain under older fee and settlement terms, while another restaurant working with a different operator could still be under the 3.6% commission cap, the 2% interchange cap and the 15-day settlement rule.

The decision is likely to draw close attention from both the restaurant industry and payment and benefits companies because it changes, at least for part of the market, the economics of accepting meal and food vouchers under PAT. Further court action could expand, narrow or reverse that effect as the case moves through Brazil’s judicial system.