Hermès: a new document exchange tool

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In order to simplify, speed up and secure all procedural exchanges, the Autorité de la concurrence is setting up a secure electronic document exchange platform, called Hermès.

In order to facilitate exchanges by guaranteeing the security and confidentiality of procedures, the Autorité de la concurrence (hereinafter "the Autorité") makes available to the parties, lawyers but also administrations (General Directorate of Competition of consumption and fraud repression (DGCCRF), ministries or other authorities) an electronic document exchange platform, Hermès.

This platform, accessible via the Internet, allows in particular the identification of parties and lawyers, the respect for the integrity and confidentiality of documents, and ensures the traceability of dematerialised exchanges within the framework of merger, litigation and advisory.

The regulatory provisions of the French Commercial Code as well as the Autorité's internal regulations have been adapted to introduce the possibility of communicating and exchanging procedural documents, which are sometimes numerous and voluminous, via Hermès. Digital modes of exchange are now planned on par with "print" procedures and are set to become the

From now on, it will be possible to use the Hermès exchange platform to notify a merger transaction (Article R. 430-2 of the Commercial Code). With regard to investigations concerning anticompetitive practices, it will be possible to refer the matter to the Autorité (article R. 463-1 of the commercial code), to notify the grievances and the report (article R. 463-11 of the Commercial Code) , to manage business secrecy processing requests (Articles R. 463-13 and R. 463-15 of the

Commercial Code), to process commitment, transaction or leniency procedures (Articles R. 464-2 , R. 464-4, R. 464-5 of the Commercial Code), to send notices to attend meetings (article R. 464-6 of the Commercial Code) and to notify decisions (article R. 464 -8 of the Commercial Code).

As soon as the parties choose to create an account on the platform, Hermès becomes the preferred means of communicating documents with the Autorité in current cases.

This modern tool will facilitate exchanges with stakeholders, including in emergency or geographic remote situations, while ensuring full security of exchanges.

The use of the Hermès platform is strongly encouraged but remains optional at this stage.