

# FAIR TRADING COMMISSION

*Promoting competitive markets*



## *Priority Setting & Assessment of Effectiveness of JFTC Actions*

*David Miller – Executive Director  
March 2025*

# OUTLINE

- The Need for Prioritization
- The JFTC's Enforcement Prioritization
- Case Selection Criteria
- The JFTC's Competition Advocacy Programme
- Benefits to Government & Business
- Assessing the JFTC's Impact/Effectiveness



Ministry of Industry  
Investment & Commerce

Jamaica's **Business** Ministry

# THE NEED FOR PRIORITIZATION

- *Human & Financial Constraints, Information & Data availability*
- *Internal Procedures, Processes & Guidelines*
- *Decisions – quality, monitored, adequate, deterrence effect, effective*



Ministry of Industry  
Investment & Commerce

Jamaica's **Business** Ministry

# JFTC's ENFORCEMENT PRIORITIZATION

Description of priority	Reasons for including the priority	How the priority is determined
a. impact of conduct to markets (e.g. impact on consumers, harm to other businesses)	As a means of justifying its value to the economy, the FTC measures its output against its resources and demonstrates its impact through quarterly impact assessments.	Based on the sector's/ industry's value to the economy and or the perceived or previously assessed level of consumer harm.
b. by key sectors (e.g. construction, healthcare, telecommunications, etc.)	The GOJ has resource constraints, and it is necessary that all Agencies demonstrate their value-added and use of resources.	
c. agency resources and capability available		



# JFTC's ENFORCEMENT PRIORITIZATION

Description of priority	Reasons for including the priority	How the priority is determined
d. existence of past conduct in the sector (e.g. similar past cases, number of similar complaints received)	To ensure that conduct is not repeated or duplicated. The FTC monitors sectors that are prone to anti-competitive conduct being repeated.	Past investigations and market studies, for which the competition issues are relevant.
e. origin of case (referral from other government agencies)	This adds to our competition advocacy program, which is significant in building Jamaica's competition culture.  Demonstrating the competition effects through examination of draft legislation, policies and working papers contributes to achieving the FTC's strategic objectives.	By the need to sensitize policymakers who have oversight of 'high value' sectors or sub-sectors on the value to the economy by addressing competition policy issues or the potential harm to consumers by not addressing competition policy issues.
f. whether the work fits into the agency's strategy	To contribute to the FTC's goals while satisfying the needs of stakeholders.	Based on the perceived impact on competition/consumer welfare.



# CASE SELECTION CRITERIA

FAIR TRADING COMMISSION  
 CASE SELECTION CRITERIA FORM FOR EXECUTIVE DIRECTOR

Date of Meeting (yyyy/mm/dd): \_\_\_\_\_

Respondent(s): \_\_\_\_\_

Informant(s): \_\_\_\_\_

Product Market(s): \_\_\_\_\_

1. Does the alleged conduct fall under the PCA? <b>IF NO GO TO ACTION</b>	
2. Which section(s) of the PCA is the alleged conduct likely to contravene? Specify short title.	
2a. Do we have sufficient information to refute the allegation? <b>IF YES GO TO ACTION</b> and specify information in "comments" section	
3. Does the alleged conduct fall under any other Jamaican law? If yes, name law.	
<b>IF NO GO TO Q5</b>	
4. Is it more appropriate for the Commission, rather than another agency or an affected party, to address the issue? <b>IF YES GO TO Q6</b>	
5. Is there a role for the Commission? <b>IF NO GO TO Q7</b>	
6. What obstacles might there be to proceeding?	
7. Does the complaint warrant consideration of questions 8-17? <b>IF NO GO TO ACTION</b>	
<b>SERIOUSNESS OF CONDUCT</b>	
8. To what degree is there likely to be incentives for the Respondent to engage in the alleged conduct? [High, Medium, Low]	
9. <i>Anti-competitive effects.</i> To what degree is it likely for the alleged conduct to dampen competition? [High, Medium, Low] Without prejudice, consider increased costs to rivals, lower consumer welfare, loss of revenue, foreclosure, inhibits innovation, impairs infant markets	
<b>IF LOW TO BOTH Q8 AND Q9 GO TO ACTION</b>	
10. <i>Pro-competitive effects.</i> Is it likely for the alleged conduct to enhance efficiencies? [Yes, No, Unknown] Without prejudice, consider promotion of innovation, increased access to market.	
11. Is the conduct widespread in the industry [Yes, No, Unknown]?	
<b>PRIORITY</b>	
12. What is the deterrence value of litigation? [High, Medium or Low]	
13. Is there any appropriate remedy available?	
14. What is the jurisprudential value in pursuing the matter? [High, Medium or Low]	
15. Is there likely to be widespread public interest in the issue? Explain.	
16. Is the relevant evidence obtainable by reliable and reasonable means?	
17. Are there any precedents in prosecuting the alleged conduct in local or foreign jurisdiction?	



# CASE SELECTION CRITERIA

Whether conduct falls under the FCA

Whether information/data/evidence is readily available

Seriousness of Conduct

Extent to which conduct will dampen competition/harm consumers

Whether there exist pro-competitive effects

Whether the conduct is widespread in the sector

Jurisprudential value

Level of public interest

Precedence



Ministry of Industry  
Investment & Commerce

Jamaica's **Business** Ministry

# The JFTC's COMPETITION ADVOCACY PROGRAMME

- 1 Assess existing laws, policies, licences
- 2 Assess proposed laws, policies and programmes
- 3 Provide advice and training



Ministry of Industry  
Investment & Commerce

Jamaica's **Business** Ministry





# BENEFITS TO GOVERNMENT & BUSINESS

Information sharing between the FTC & Sector Regulators

Reduction in Duplications

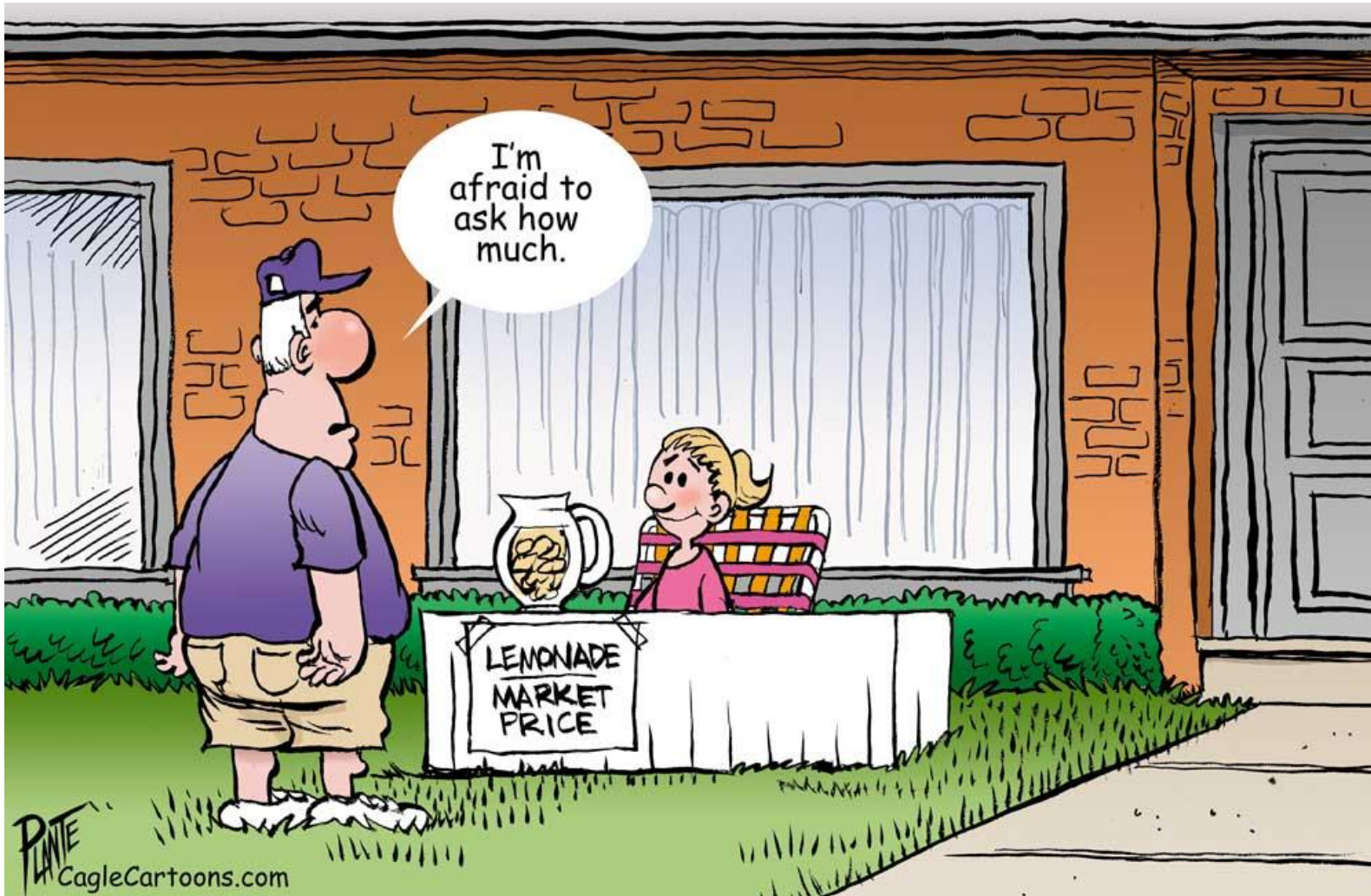
Cohesive approach on significant policies

Reassuring the business community



Ministry of Industry  
Investment & Commerce

Jamaica's **Business** Ministry



# JFTC's PRIORITY

Matters that raise Competition concerns

Developing competition enhancing/competition neutral solutions

Maintain communication on benefits of Competition

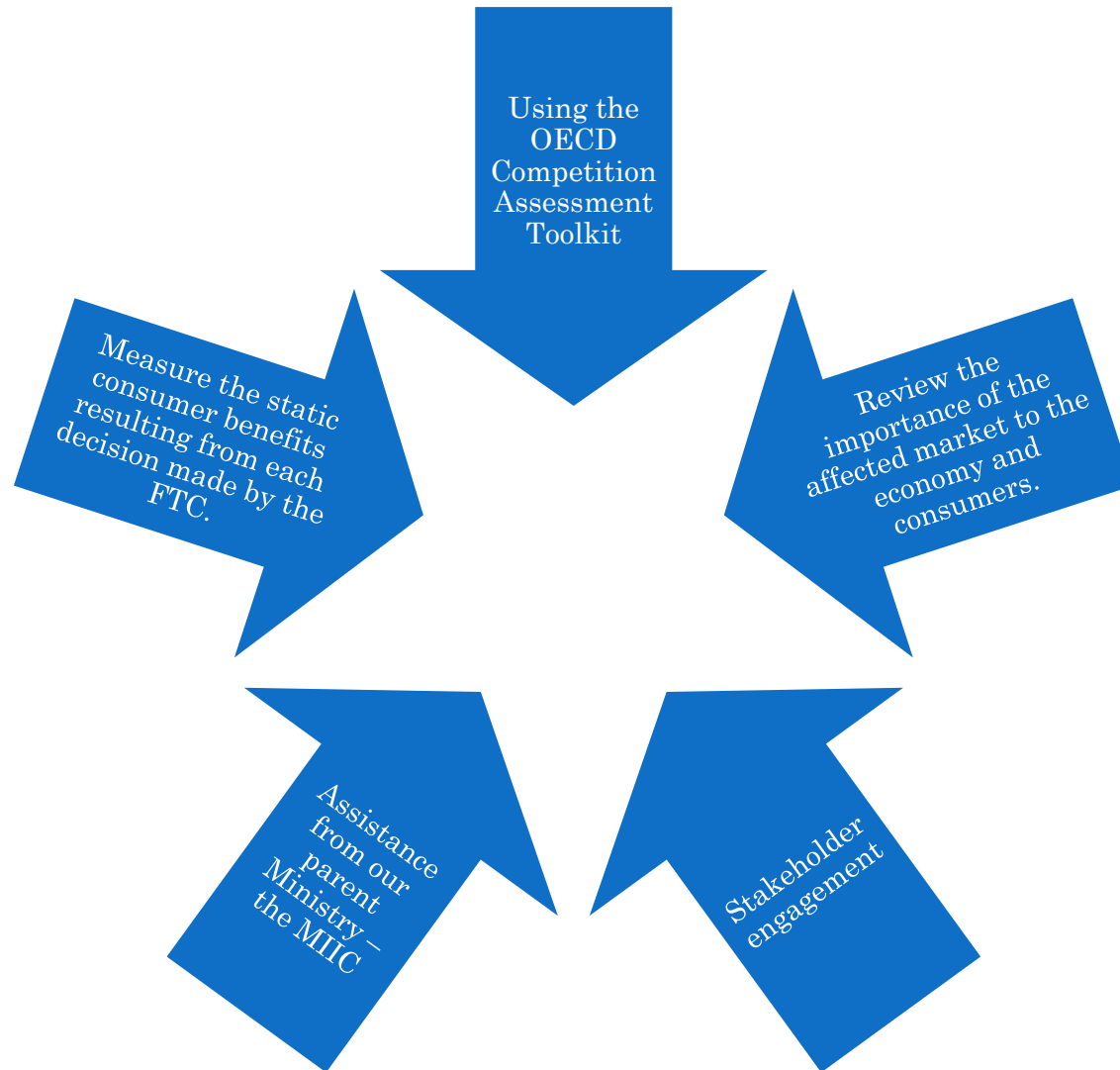
Establish/maintain strong relationships



Ministry of Industry  
Investment & Commerce

Jamaica's **Business** Ministry

# Assessing the JFTC's Impact



# Ex ante assessments – expected benefits



Advocacy interventions

Market studies

Merger assessments

Formula used for assessment of monetary impact: Based on OECD Guide

Turnover [sector or firms affected] x  
Price increase avoided [3%] x  
Expected duration [generally 3 years]



Ministry of Industry  
Investment & Commerce

Jamaica's Business Ministry



# Monetary impact of market intervention 2019/20 – 2023/24



Ministry of Industry  
Investment & Commerce

Jamaica's Business Ministry

*Thank you*



*Promoting  
competitive  
markets*

**Fair Trading Commission**

17-19 Connolley Avenue

Kingston 4, Jamaica

Email: [ftc@cwjamaica.com](mailto:ftc@cwjamaica.com)

Website: [jftc.gov.jm](http://jftc.gov.jm)

[www.facebook.com/ftc.jamaica](http://www.facebook.com/ftc.jamaica)



Ministry of Industry  
Investment & Commerce

Jamaica's **Business** Ministry