Fair Trading Commission

Strategic Partnerships and MOUs: Strengthening the Investigative Capacity of the Jamaica Fair Trading Commission

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Introduction

Competition authorities increasingly operate in complex and rapidly evolving markets. Modern investigations require the collection, compilation, and analysis of large volumes of economic, commercial, and technical information, often spanning multiple institutions and regulatory frameworks. As a result, competition authorities cannot operate effectively in isolation.

For the Jamaica Fair Trading Commission (JFTC), strategic partnerships, particularly through Memoranda of Understanding (MOUs), play an important role in strengthening investigative capacity. These arrangements can enhance the Commission's ability to identify competition concerns, obtain relevant information, access specialised expertise, conduct investigations more efficiently, and ultimately support more effective enforcement outcomes.

International experience demonstrates that cooperation has become an increasingly important component of modern competition law enforcement. The Organisation for Economic Co-operation and Development (OECD) has observed that globalisation and the digital economy have increased the number of competition issues involving multiple jurisdictions, making cooperation increasingly important for effective enforcement. Although much of the OECD's work focuses on international cooperation among competition authorities, its underlying principles are also relevant to domestic cooperation between competition authorities, sector regulators, government agencies, research institutions, and other organisations.

The OECD has further recognised that cooperation can improve the effectiveness and efficiency of investigations by reducing delays, avoiding unnecessary duplication of effort, and promoting more informed decision-making.

Why Competition Authorities Need Partnerships

Competition investigations frequently require information that is dispersed across multiple institutions. A competition authority may need access to information on prices, costs, consumer complaints, licensing arrangements, infrastructure, financial conditions, or the

technical characteristics of a particular industry. In many cases, other government agencies or regulators maintain such information.

Cooperation is particularly valuable for competition authorities operating in small economies such as Jamaica. Investigative resources are often limited, while many markets involve specialised sectors requiring economic, technical, legal, or regulatory expertise. Strategic partnerships allow the JFTC to leverage existing knowledge and resources within domestic institutions.

The objective is not to delegate the JFTC's statutory responsibilities to other agencies. Rather, partnerships can strengthen the Commission's ability to fulfil its mandate independently, efficiently, and effectively.

Partnerships as a Source of Information and Market Intelligence

One of the most significant benefits of partnerships is improved access to market intelligence.

Sector regulators and other public institutions often maintain continuous contact with particular industries. They may collect information from market participants, monitor market developments, receive consumer complaints, issue licences, or supervise specific aspects of business conduct. Such information can provide a valuable foundation for identifying and assessing competition concerns.

For example, a regulator may observe barriers to entry, discriminatory access arrangements, unusual pricing behaviour, restrictions affecting competitors, repeated consumer complaints, significant changes in market concentration, or other conduct that may warrant further examination from a competition perspective. A structured partnership can create a mechanism through which such issues are brought to the attention of the competition authority.

The JFTC's experience demonstrates the value of this approach. The Commission has entered MOUs with several domestic institutions, with the exchange of information on matters of mutual interest forming a key objective of these agreements. Information shared by strategic partners has, in several instances, assisted the JFTC in conducting investigations and market studies within regulated sectors. Similarly, information provided by the JFTC has helped to inform policy and regulatory discussions in sectors where competition issues arise.

This experience highlights an important principle: information sharing should not be viewed solely as a response to ongoing investigations. Effective partnerships can improve the early detection of competition concerns by enabling institutions to identify potential issues before a formal investigation becomes necessary or before significant policy and legislative decisions are finalized.

Improving Agency Effectiveness

Another important benefit of partnerships is their potential to reduce duplication of effort and improve institutional efficiency.

Without established cooperation arrangements, agencies may need to create communication channels only after issues arise. They may first need to determine which institution has responsibility for a particular matter, who possesses relevant information, and whether

information can legally be shared. These uncertainties can delay investigations and increase administration costs.

Well-designed MOUs can help address many of these challenges in advance by establishing clear procedures, points of contact, and protocols for cooperation.

The OECD has recognized that cooperation arrangements can facilitate greater coordination, reduce duplication, and support the more effective use of available enforcement resources.

The European Competition Network (ECN) provides a practical example of how structured cooperation can strengthen enforcement. The ECN brings together the European Commission and national competition authorities through mechanisms that facilitate communication and coordination on cases and market studies. Cooperation includes sharing information about relevant matters, coordinating investigations where appropriate, providing investigative assistance, exchanging information, and discussing issues of common interest.

Although developed within a unique regional framework, the ECN demonstrates how structured communication and information exchange can support more effective competition enforcement.

Cooperation arrangements may also exist at different levels of formality and legal obligation. In Jamaica, for example cooperation between the Office of Utilities Regulation (OUR) and the JFTC is reflected in the telecommunication's regulatory framework, which provides mechanisms for consultation and coordination on competition matters.

For the JFTC, an MOU may establish designated liaison officers, procedures for requesting assistance and making referrals, regular inter-agency meetings, mechanisms for technical consultation, confidentiality protocols, and arrangements for addressing matters of mutual concern. Such mechanisms can make cooperation faster, more consistent, and more predictable.

Strengthening Case Referrals and Early Detection

Partnerships also strengthen the JFTC's ability to identify competition concerns at an early stage.

Government agencies and sector regulators may encounter market issues that fall outside their primary statutory responsibilities. For example, a regulator may receive complaints regarding pricing practises or market conditions but may not have responsibility for investigating abuse of dominance or anticompetitive agreements. Formal referral mechanisms can help address this institutional gap.

Effective partnerships should therefore establish a two-way referral process. Partner agencies should be able to refer potential competition concerns to the JFTC, while the JFTC should similarly be able to refer matters to the appropriate regulator where the primary issue falls outside its mandate.

This approach can improve the allocation of public resources and reduce the risk that important issues remain unaddressed because institutions assume responsibility lies elsewhere.

The ECN demonstrates the value of identifying the authority best placed to investigate a particular matter and coordinating activities accordingly. Similar principles may be adapted, where appropriate, to Jamaica's domestic institutional environment.

Confidentiality: The Foundation of Effective Cooperation
While information sharing is one of the greatest benefits of cooperation, confidentiality is also one of its greatest challenges.

Competition investigations frequently involve commercially sensitive information, including pricing data, costs, contracts, business strategies, customer information, and internal company documents. Any partnership designed to support investigations must therefore include appropriate safeguards to ensure that information is protected, used only for authorized purposes, and handled in accordance with applicable legal and procedural requirements.

The OECD has emphasised that information exchange should be subject to appropriate safeguards and should take account of legal restrictions relating to confidential information.

Similarly, the ECN demonstrates that effective cooperation requires clear rules governing the exchange and use of information, including safeguards relating to professional confidentiality and appropriate enforcement purposes.

For the JFTC, MOUs should clearly establish:

1. The categories of information may be shared.
2. The legal basis under which information may be exchanged;
3. The procedures for protecting confidential information;
4. The purposes for which information may be used; and
5. Procedures for handling information that cannot legally be disclosed.

Any information-sharing arrangements should also operate within the limits imposed by applicable legislation, confidentiality obligations, privacy requirements, and other legal restrictions.

Moving Beyond Symbolic Partnerships
A partnership can exist on paper without producing meaningful outcomes. For this reason, the effectiveness of an MOU should not be measured by the number of agreements signed, but by the results those agreements generate.

Possible indicators of success include:

- the number of competition concerns referred to the JFTC;
- the number of requests for information or technical assistance;
- the time required to obtain information from partner agencies;
- the number of joint training activities undertaken;
- improvements in staff expertise and institutional knowledge;
- the number of market studies or research projects conducted collaboratively;
- the extent to which partnerships contribute to investigations, policy development, or legislative reform; and

- evidence that cooperation reduces duplication, delays, or unnecessary costs.

This approach transforms MOUs from symbolic documents into practical and accountability instruments of enforcement cooperation.

Conclusion

Strategic partnerships and MOUs are important components of the Jamaica Fair Trading Commission's investigative capacity. International experience demonstrates that cooperation can improve access to information, facilitate investigative assistance, reduce duplication, enhance technical expertise, and support the efficient use of limited enforcement resources.

The OECD has established a strong foundation for cooperation among competition authorities, while international experience more broadly demonstrates the growing importance of coordinated enforcement. The ECN provides a practical example of how structured communication, information exchange, investigative assistance, and institutional coordination can strengthen competition enforcement.

For the JFTC, the value of partnerships lies in their ability to improve the practical work of competition enforcement. Effective partnerships can enable the JFTC to identify competition concerns earlier, obtain relevant information more efficiently, access specialised expertise, reduce unnecessary duplication, and strengthen the quality of investigations. In a small economy where, public institutions often operate with limited resources, active and well-designed cooperation arrangements may be among the most practical and cost-effective means of strengthening competition law enforcement.

References

European Commission. (n.d.). *Background: European Competition Network*. European Commission. European Competition Network background

European Commission. (2024). *European Competition Network*. European Commission. European Competition Network

OECD. (2013). *International enforcement co-operation: Report on the OECD/ICN survey on international enforcement co-operation*. OECD Publishing. OECD international enforcement cooperation report

OECD. (2014). *Recommendation of the Council concerning international co-operation on competition investigations and proceedings*. OECD Legal Instruments. OECD Recommendation on international cooperation

OECD. (2022). *International co-operation on competition investigations and proceedings: Progress in implementing the 2014 OECD Recommendation*. OECD Publishing. OECD progress report on international cooperation

OECD & International Competition Network. (2021). *OECD/ICN report on international co-operation in competition enforcement*. OECD Publishing. OECD/ICN report on competition enforcement cooperation