



Acht na dTeangacha Oifigiúla(Leasú), 2021

Alt 10A. Fógraíocht ag Comhlachtaí Poiblí

Official Languages (Amendment) Act 2021

Section 10A. Advertising by Public Bodies

Amended in March 2026

Introduction & Context

- ▶ The Official Languages (Amendment) Act, 2021, enacted in December 2021, strengthens the Official Languages Act 2003. It contains a series of new provisions aimed at strengthening the language rights of Irish speakers.
- ▶ Amongst the provisions of the Official Languages (Amendment) Act 2021, there is a new statutory obligation for public bodies in relation to advertising, general communications and commercial communications which engage with the public.

Introduction & Context

- ▶ Section 10A. (Advertising by Public Bodies) of the Act places duties on public bodies in relation to the way they communicate in the State's official languages.
- ▶ The advertising sector is a very important communication medium, and accordingly this new provision is expected to be of considerable importance.
- ▶ The provisions in section 10A. which are defined as follows came into effect on 10th October 2022.

Official Languages (Amendment) Act 2021. Section 10A.

Advertising by Public Bodies

(1) A public body shall ensure that—

- (a) at least 20 per cent of any advertising placed by the body in any year shall be in the Irish language, and
- (b) at least 5 per cent of any monies spent on advertising by the body in any year shall be in the Irish language through Irish language media.

(2) In this section— ‘advertising’ means—

(a) any form of commercial communication with the aim or direct or indirect effect of promoting a product or service of the public body concerned, and

(b) any form of communication, to the public, in respect of—

- (i) the recruitment of staff,
- (ii) legislative or policy initiatives,
- (iii) the purchase or sale of land or assets,
- (iv) the provision of services, or
- (v) public consultation;

Irish Language Media

“Irish language media” means any media where 50 per cent or more of the content of that media is through the Irish language.

Advertising (Section 10A.) - definitions

For the purposes of implementing and monitoring section 10A., the following definitions apply:

- ▶ “Paid Advertising” is any advertising that one pays for. It is always placed with a third party such as a TV channel, radio station, newspaper etc.
- ▶ “Owned Advertising” is advertising placed by public bodies on their own websites and social media channels etc.

Both “Paid” and “Owned” advertising are subject to this new provision.

Advertising cont.

Public bodies must ensure:

- ▶ At least **20** per cent of all yearly advertising shall be in the Irish language.
- ▶ At least **5** per cent of yearly advertising spend shall be in the Irish language and published on Irish language media.
- ▶ Irish language media = **50%** or more media content through Irish.

What falls under these provisions?

Advertising by Public Bodies in the following contexts...

- ▶ TV/VOD/Cinema
- ▶ Radio/Audio
- ▶ Press
- ▶ Outdoor
- ▶ Digital Display (VMS traffic signs are exempt)
- ▶ Digital Native Advertising / Advertorials
- ▶ Digital Paid Content
- ▶ An advertisement - as distinct from content - that runs on owned channels, e.g., a recruitment ad on own website, i.e., section 10A. 2(b)(i)

What doesn't fall under these provisions?

Content as distinct from advertising:

- ▶ Digital Content that runs on own media only
- ▶ Press Releases
- ▶ Brochures
- ▶ Newsletters
- ▶ In-house magazines
- ▶ Blogs
- ▶ Paid Search Advertising
- ▶ Shares
- ▶ Posts and reposts (of content **as opposed to** advertisements)
- ▶ Reviews
- ▶ Influencers

Recommended Approach

- ▶ Each of the official languages should be given parity of esteem in all media, for instance, similar copy lengths for TV and radio, similar sizes for print and social.
- ▶ In the interest of the parity of esteem, it is not recommended to “dub” or subtitle (as distinct from graphics) on TV/VOD.
- ▶ Advertisements placed with Irish language media will be in Irish only.

Recommended Approach Continued

- ▶ “Irish language media” means any media in which 50 per cent or more of the content of those media is through the Irish language (excluding advertisements).
- ▶ The responsibility lies with the public bodies to ensure that 20% of their annual advertising placed by the body is done through the Irish language.
- ▶ The responsibility lies with public bodies to ensure that 5% of their annual general advertising budget is spent on Irish language advertising, on Irish language media.
- ▶ The total of all expenditure, rather than the expenditure of each media channel, may be used for the purposes of the audit. Cost of production will not be considered for the purpose of audit.

Measurement

- ▶ OCT has consulted extensively with many Government Departments as well as sectoral interests, including IAPI (Institute of Advertising Practitioners Ireland) and its media agency members.
- ▶ “20% of any advertising placed” (10A. 1 (a)), means 20% of “Owned” and “Paid” advertising as defined above.
- ▶ For public bodies that place their advertising through third party media buying agencies, the standard industry measurement systems, e.g., ratings for TV, will apply.

Measurement cont.

- ▶ Using these guidelines, on slides 13 and 14 - the onus will be on the public body to show that it has complied with the 20% obligation. The 20% obligation does not necessarily have to be applied to each individual advertising campaign. It does have to be “20% in the round” at the end of the reporting year.
- ▶ In order to reach the 20% target for campaigns, some bodies may give 1/5 random copy rotation instructions to media outlets i.e., instruction to ensure every 5th ad is the Irish language version. This “rotation model” will be accepted as an indication of compliance.

Measurement Metrics (1)

Measurement of 20%	Measurement	Description
Media	Definition	Detail
Print/Magazine Advertising	Number of press insertions (press ads) in a given year.	Parity of esteem must be exercised whereby ads inserted in Irish language should be similar in size of the ad as those in English (slide 12). In addition, Irish language press insertions should not be disproportionately weighted toward smaller circulation publications
Radio Advertising	Number of radio spots in a given year.	Parity of esteem must be exercised whereby ads in the Irish language should be of similar length as those in English (slide 12). In addition, Irish language spots should not be disproportionately weighted toward lower listenership stations or lower listenership times of day

Measurement Metrics (2)

Measurement of 20%	Measurement	Description
Media	Definition	Detail
Audio Advertising	Number of impressions in a given year.	Parity of esteem must be exercised whereby ads in the Irish language should be of similar length as those in English (slide 12). In addition, Irish language spots should not be disproportionately weighted toward lower listenership platforms
OOH - Out of Home/Outdoor Advertising	Total number of sites in a given year. For digital formats please convert to site equivalents.	Parity of esteem must be exercised whereby ads in the Irish language should be of similar size and on similar quality sites as those in English. (slide 12).

Measurement Metrics (3)

Measurement of 20%	Measurement	Description
Media	Definition	Detail
Cinema	Number of admissions in a given year.	Parity of esteem must be exercised whereby ads in the Irish language should be a similar length as those in English. (slide 12)
TV	Number of TVR's in a given year.	Parity of esteem must be exercised whereby ads in the the Irish language should be a similar length as those in English. (slide 12)
VOD – Video On Demand	Number of impressions in a given year.	Parity of esteem must be exercised whereby ads in the Irish language should be of similar length as those in English (slide 12). In addition, Irish language spots should not be disproportionately weighted toward lower viewership/reach platforms

Measurement Metrics (4)

Measurement of 20%	Measurement	Description
Media	Definition	Detail
Digital Display	Total number of impressions in a given year.	Parity of esteem must be exercised whereby ads in the Irish language should be similar in size of the ad as those in English (slide 12). In addition, Irish language ads should not be disproportionately weighted toward lower viewership/reach platforms
Social Media	Total number of impressions in a given year.	Parity of esteem must be exercised whereby ads in the Irish language should be of similar length or size as those in English (slide 12). In addition, Irish language ads should not be disproportionately weighted toward lower viewership/reach platforms

Measurement Metrics (5)

5% spend on Irish Language Media

Media Channel	Total Annual Spend	Spend on Irish Language Media
Total	(100%)	(5%)

Public Body Reporting

- ▶ Public bodies shall be asked to file an electronic compliance return in relation to this requirement no later than March of a given year in respect of advertising from the previous year.
- ▶ Compliance will include a record of creative executions in the Irish language.

Irish Language Media

Platform	Media
Television Services:	TG4
Radio Services:	RTÉ Raidió na Gaeltachta, Raidió na Life, Raidió Rí Rá
Press	Comhar; Seachtain; An Timire; An Páipéar; ExtraG Gach Seachtain; Scéal
Out of Home	OOH Gaeilge
Video on Demand	TG4 i.e. Bloc.ie & Molscéal.ie. Meoneile.ie; Tuairisc.ie, i.e. “Ar Fhaitíos Gur Chaill Tú É”
Audio on Demand	Seachtain, i.e. “Podchraoladh Seachtain”; Podchraoladh “How To Gael”; Tuairisc.ie i.e “An Pod Gaeilge”, “An Pod Spórt” & “Paiste Cainte le Helen”
Digital Platforms/Displays	Tuairisc.ie; Nós.ie; Liathroidi.ie; An Páipéar; ExtraG.ie; Scéal.ie, irishtimes.com/gaeilge/scéal
Social Media	Cogar.ie
Cinemas	N/A

FAQ

► 1. What is the aim of section 10A. (Advertising by Public Bodies)?

Section 10A. (Advertising by Public Bodies) is a new provision in the Official Languages (Amendment) Act 2021, which places additional duties on public bodies in relation to communicating with the public in the State's official languages. Section 10A. sets out specific obligations with regard to advertising.

► 2. When did section 10A. (Advertising by Public Bodies) come into effect?

All the provisions regarding advertising by public bodies as prescribed in section 10A. came into effect on **10th October 2022**. All public bodies prescribed under the Act are obliged to comply with all the provisions of section 10A. from this date.

FAQ

- ▶ **3. What does the 5% requirement regarding advertising by public bodies through Irish language media mean?**

5% of any monies spent advertising by the public body in any year shall be in the Irish language on Irish language media. The measurement will be based on 5% of the total annual advertising by the body, under the criteria defined on slide 10.

- ▶ **4. Can production costs be included as part of the annual advertising spend with regard to the 20% and 5% requirements?**

No, production costs will not be considered for measuring the 5% or 20% requirement. The definition in section 10A. refers to placed advertising and therefore production costs are excluded from the definition of the provision.

FAQ

- ▶ **5. How will compliance with the 20% and 5% requirements be measured by Oifig an Choimisinéara Teanga.**

Oifig an Choimisinéara Teanga, will provide public bodies with a reporting template that will capture key metrics to measure compliance by public bodies with the 5% and 20% requirements. The metrics concerned are detailed on slide nos. 16-20 of this presentation, they reflect metrics used by public bodies when buying advertising on various media. The reporting template will be made available to public bodies.

- ▶ **6. Does advertising spend need to be 20% + 5% or can you do 15% + 5%, e.g., 15% Irish advertisements in English language media and then 5% in the Irish language media?**

Yes, to the latter part of the question. The 20% requirement can include the 5% spend requirement on advertising in the Irish language through Irish language media.

FAQ

7. In the portal why do Print and Radio have Irish and English broken out but Display and TV aren't?

There are standard industry measurements (TVR's) that are acceptable for advertising on both Irish and English language TV stations. Similarly for Display, the standard industry measurement (impressions) are acceptable for all platforms.

However, when it comes to Print and Radio in the Irish market there aren't standard metrics available as many media owners don't have verified circulation or listenership figures i.e. the spend weighting system needs to be introduced to make up for the lack of acceptable measurement metrics.

FAQ

8. A corporate body includes a number of schools and centres, e.g., does each school submit its own data?

A public body prescribed under the Act must provide evidence of compliance to the 20% & 5% requirements for the public body in its totality, as against at the sub-entity level, e.g., Education and Training Boards (ETB) responsible for reporting for all its member schools.

9. Non-Irish language media. If an advert in Irish is placed on a non-Irish language media platform, will it still count towards the Public Body's 20% target?

Yes.

FAQ

► 10. Is there a list available of Irish Language Media?

The following definition is prescribed for “Irish language media” in section 10A. (2) of the Official Languages (Amendment) Act 2021:

“Irish language media” means any media where 50 per cent or more of the content of that media is through the Irish language.

No further statutory guidelines have been issued on the definition above, as prescribed in the legislation. Under the Official Language Act 2003 (section 21 (e)), an Coimisinéir Teanga is prescribed to advise public bodies on their obligations under the legislation. To that end, Oifig an Choimisinéara Teanga has suggested a non-exhaustive list of Irish language media to assist public bodies in meeting their obligations. The current list, as presented on **slide 22** of the attached Powerpoint slides, is subject to continual change. As this provision is implemented, other Irish language media may be added, including new, local, and regional ones.

FAQ

- ▶ **11. What creative material are we required to retain for audit - i.e TV cut downs, different press sizes etc.?**

For each campaign, you will need to retain one “hero asset” per medium - i.e. master TV, radio, press and digital ad. You will be required to keep these assets until June of the year following the campaign year.

FAQ

► 12. What happens if a public body fails to comply with this provision?

The following procedures in the primary legislation will be followed to monitor compliance and address any non-compliance by public bodies.

- investigation of a complaint made by a member of the public or/and monitoring of compliance by Oifig An Choimisinéara Teanga
- a statutory investigation can be initiated, if required
- findings/recommendations are made in the statutory investigation report
- if non-compliance persists, An Coimisinéir Teanga can lay a report detailing this situation of non-compliance by the public body before the Houses of the Oireachtas.

FAQ

- ▶ **13. Who decided on the 5% and 20% requirements in Section 10A.?**

The Houses of the Oireachtas decided that these provisions should be included in the Official Languages (Amendment) Act 2021. Accordingly, President Michael D Higgins signed the Official Languages (Amendment) Bill 2019 into law on 22 December 2021.

- ▶ **14. Can the 20% be a combination of “Paid” and “Owned” advertising?**

Yes, provided that the public body can show the data on the percentage (%) or impressions reached on their owned media.

FAQ

- ▶ **15. Is “paid” and “owned” media subject to the 20% requirement?**

Yes, both “paid” advertisements placed with a third party and advertisements placed on “owned” media, see slide 8.

- ▶ **16. Why isn’t Direct Mail mentioned in your advisory notes?**

There is existing legislation (predating 10A) pertaining to Direct Mail - Section 9(3) Official Languages Act, 2003)

- ▶ **17. Are boosted posts on social media considered ‘paid’ advertising?**

Yes. You may have content that doesn’t fall under the provision that you decide to boost by buying space on social media. Once you pay, it morphs from content to advertising i.e., the paid part falls under the provision.

FAQ

- ▶ **18. Does informational video content produced for or generated by public bodies and embedded on owned media (website or twitter platform) fall subject to section 10A.?**
No, unless it includes an ad. However, promotional videos are subject to the provisions - 10A(2)(a)
- ▶ **19. Can Irish language advertising be broadcast on English-medium media/platforms to satisfy the 20% requirement?**
Yes.

FAQ

- **20. Does the 20% requirement relate to overall organisation advertising or 20% of each advertisement?**

The 20% requirement relates to a public body's overall, in-the-round, advertising output in a particular year.

Having a portion of a particular advertisement, e.g., 20% in Irish, and the remaining 80% in English, is not acceptable.

Each of the official languages should be given parity, e.g., similar copy lengths for TV and radio, similar sizes for print and social media. Whether an advertisement is in English or Irish, the language used should be of a high standard.

FAQ

- ▶ **21. Will outdoor advertising campaigns run on behalf of public bodies come under the scope of Section 10A.?**

Yes.

- ▶ **22. Can Irish language advertisements be broadcast consecutively with English language advertisements on English-medium media/platforms to satisfy the 20% requirement.**

Yes.

- ▶ **23. Will public bodies be permitted under section 10A. to use local or regional media to meet the 20% requirement if it is the case that it doesn't use national TV or Radio for advertising?**

Yes.

FAQ

- ▶ **24. Will public procurement/OGP notices fall within the scope of section 10A?**

Yes, when the notice is placed as an advertisement.

- ▶ **25. Will public procurement on e-tenders be considered as advertising, specifically mini-competitions under frameworks not open to public view?**

No.

- ▶ **26. Do public notices (placed as an advertisement), e.g., planning notices, road traffic notices fall within the scope of section 10A?**

Yes. Planning notices and road traffic notices issued by a public body will fall within the scope of subsection 10A.2(b):

‘any form of communication, to the public, in respect of—

- (i) the recruitment of staff,*
- (ii) legislative or policy initiatives,*
- (iii) the purchase or sale of land or assets,*
- (iv) the provision of services, or*
- (v) public consultation;’*

FAQ

► 27. Does bilingual advertising meet an organisations 20% obligation?

Yes, but the following caveat is important. Two separate blocks of text, one in Irish and one in English, conveying the same information in a single advertisement is acceptable. However, having a portion of one advertisement, e.g., 20% in Irish, and the remaining 80% in English, or vice versa is not acceptable.

Each official language should be given parity, e.g., similar copy lengths for TV and radio and sizes for print and social media. Whether an advertisement is in English or Irish, the language used should be of a high standard.

► 28. Can 50% of the spend of an advertisement such as this be counted towards the 20% requirement?

No. As detailed above in FAQ no.27, where one portion of an advertisement is in Irish, and another portion of the same ad is in English is unacceptable and cannot be counted for the 20% requirement.

FAQ

► 29. Does a public service announcement fall under these provisions?

Not if it's on owned media and conforms with the understanding of a public service announcement: "A time-specific announcement creating awareness about an issue of concern to the general public." i.e. road closure, pitch closure, train breakdown, road traffic diversion. If the announcement also runs on paid media, then that portion of the activity falls under the provision.

► 30. Must a full magazine published by a public body have equal amounts of text in Irish and English?

No, with regard to section 10A. However, any advertising in the magazine must comply with the 20% requirement. If a public body was distributing the magazine to the general public or a class of the general public, e.g., via mailshot, then it may be subject to section 9(3) of the current Act.

FAQ

- ▶ **31. Does the act cover marketing communications such as informational / promotional emails, advertorials, new service or product announcements?**

Refer to slides 10 & 11.

- ▶ **32. Are there any contexts in which ad spend internationally falls within the confines of section 10A.?**

Once a public body is prescribed under the Official Language Acts it must adhere to the provision. Section 10A. doesn't distinguish between national and international spend.

FAQ

- ▶ **33. What are the implications for longer or multi-annual contracts that public bodies have already in place with media buying agencies where it may prove impossible to meet the 20% or 5% requirements?**

It is required that public bodies comply with the new provisions in section 10A. and that all efforts in doing so are documented. As previously stated, An Coimisinéir Teanga does not have the functions or powers to offer a derogation to any public body from any statutory obligation in this legislation.

FAQ

- ▶ **34. If recruitment ads are placed in Irish, does this mean that public bodies need to facilitate the recruitment-application process in Irish, run case studies in Irish, and conduct the interviews in Irish?**

No, unless a public body has a commitment in its language scheme, which specifies that it will run its recruitment operations accordingly through the medium of Irish.

Language schemes are confirmed by the Minister for Rural and Community Development and the Gaeltacht. Language schemes will be replaced by language standards as prescribed in sections 19A - 19D of the Official Languages (Amendment) Act 2021. However, when implemented, language standards may place an obligation on public bodies, or categories of public bodies, to undertake some recruitment campaigns through the medium of Irish.

FAQ

- ▶ **35. Will supporting documentation relating to advertisements but that will not include part of the advertisement seen by the public need to be also translated too?**

No. However, some exceptions may arise, as pointed out in FAQ 34. For example, if a public body had committed to it in its language scheme, it would run some of its recruitment campaigns through the medium of Irish. In this case, candidates could have access to supporting documentation that would not appear in advertisements but would nevertheless come under the scope of the commitment in the language scheme confirmed by the Minister for the public body. Language standards (19A) under the new Act will replace language schemes. The current obligations under section 10 of the Official Languages Act 2003, which require public bodies to publish certain documents simultaneously in the official languages, will continue.

FAQ

- ▶ **36. We have secured a sponsorship package with a TV station. A TV programme will carry positive messages about our product/service and as part of the package we will also get TV stings. Do we declare the full cost of the sponsorship in our submission?**
- ▶ TV stings are always declared because they are quantifiable from both a cost and ratings point of view. The TV station should be able to break out these figures for you. If part of the sponsorship package is appropriated to the funding of the TV programme it is deemed to be advertising, only if the public body has full editorial control over the programme I.e. it is treated the same as a press advertorial.

FAQ

- ▶ **37. If a public body sponsors an advertisement, e.g., a poster for a third party, does it come under the aegis of section 10A?**

Yes, a poster is considered an advertisement and, in this case, involves spend by a public body.

- ▶ **38. What is the distinction between an advertisement and content posts (specifically on social media)? For example, an event listing for an art gallery?**

Slide 10 covers what falls under advertising and slide 11 covers what falls under content (which is not considered advertising).

FAQ

- ▶ 39. What is digital content that runs on the public body's own media?

For example, the content on a public body's website, newsletter, or social media platform that doesn't form part of an advertisement is not considered advertising.

- ▶ 40. From a social content perspective, where it is organically posted on owned channels and does not contain a paid CTA (button etc.) or spend behind it., but a written CTA (Call-to-action buttons) within the post or creative - will this be deemed acceptable (come under the 20% requirement)?

The content on a public body's website, newsletter, or social media platform that doesn't form part of an advertisement is not considered advertising. As specified on slide no. 11, posts and reposts of content, as opposed to advertisements, don't fall within the scope of the provision. However, if the "call to action" button leads to an ad then it would fall under the scope of section 10A.

FAQ

- ▶ **41. Are videos exempt from the "any form of communication with the public" 10A 2(b) requirement?**

It would depend on whether the videos in question are considered advertising as opposed to content, as described on slides 10 & 11. Also see FAQ no.18.

- ▶ **42. Does section 10A. cover IVRs (Interactive Voice Recording) in Irish language?**

No, Interactive Voice Recordings are not deemed to be advertising communication.

FAQ

- ▶ **43. Will an additional budget be supplied to public bodies for the translation costs arising, as a result of section 10A.?**

No. This matter does not fall within the scope of this legislation.

FAQ

- ▶ **44. The geographic jurisdiction that our public body is responsible for, doesn't include a Gaeltacht region. Is our public body obliged to comply with the 5% and 20% targets?**

Yes, all public bodies are obliged to comply with the provisions prescribed in section 10A.

- ▶ **45. What happens if we use a soundtrack with English lyrics on our TV/Radio ads?**

If the lyrics are incidental rather than fundamental to the communication (the telling of the story) then it qualifies. If the lyrics are not fundamental to the story, it doesn't. As TV productions require a large investment OCT is happy to pre-approve any scripts where the client is unsure.

FAQ

- ▶ **46. Is brand communication on your owned company assets (company vans, buildings, uniforms) content or advertising?**

In the vast majority of instances, it is deemed to be content and viewed the same as content on your website. However, if in the normal course of business your organisation is in a position to “sell” that space to a third party it is deemed to be advertising e.g., bus and rail companies that sell advertising space on their vehicles/trains.

- ▶ **47. What is the function of An Coimisinéir Teanga with respect to advising public bodies on Section 10A.**

Section 21 (e) of the Official Languages Act 2003 prescribes it as a function of An Coimisinéir Teanga:

‘to provide, as he or she considers appropriate, advice or other assistance to public bodies regarding their obligations under this Act.’

FAQ

► 48. What are the functions of An Coimisinéir Teanga with respect to ensuring compliance by public bodies with Section 10A.?

Section 21 (a), (b) & (c) of the Official Languages Act 2003 prescribes the following functions of An Coimisinéir Teanga:

s.21 (a) - *‘to monitor compliance by public bodies with the provisions of this Act’ -*

s.21 (b) - *“to take all necessary measures within his or her authority to ensure compliance by public bodies with the provisions of this Act”*

FAQ

FAQ 48. cont.

s.21 (c) - *‘to carry out investigations, whether on his or her own initiative, on request by the Minister or pursuant to a complaint made to him or her by any person, into any failure by a public body to comply with the provisions of this Act that he or she or, as appropriate, the Minister, considers may have occurred.’*

s.26 (5) prescribes:

- *If, within a reasonable time after a report containing recommendations is submitted to a public body under subsection (2), any recommendations contained in the report have not, in the opinion of the Commissioner, been implemented by that body, the Commissioner may, after considering any responses made to him or her by the public body in respect of those recommendations, make a report thereon to each House of the Oireachtas.*

FAQ

- 49. We do advertising for lots of "one off" events throughout the year, does every ad have to be reported as a separate advertising campaign?

You can bundle "one off" ads under umbrella terms such as "Miscellaneous ads or "Event advertising".

- 50. **For digital campaigns do I need reports showing engagement and reach?**

We are just interested in "impressions" which are the number of times your advertising is displayed. While you may hold reports on engagement and reach they do not form part of your report to OCT.



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