

ALERT: How the new law on Ukrainian language influences business

On the 16th of July 2019 the law "On ensuring the functioning of the Ukrainian language as the State language" №2704-VIII (hereinafter referred to as the "Law") was adopted. The new regulation is especially important for such spheres as FMCG, Manufacturing, IT, Media, HoReCa, and publishing sectors. Furthermore, all companies should be aware of the law given that it affects advertising, web presence and the provision of information to customers.

The Law impose responsibility on business for ensuring the functioning of the Ukrainian language in certain spheres. So, what exactly should entrepreneurs working in Ukraine do?

What spheres of business will be affected by the Law?

(1) Websites and web pages in Social Networks

Ukrainian legal entities are required to have websites and pages on social networks in Ukrainian. Websites and pages on social networks of foreign legal entities that have subsidiary companies or representative offices in Ukraine also have to be in Ukrainian.

Websites and pages on social media can have versions in other languages. However, the Ukrainian version of a website or page on a social network must be displayed first and contain at least the same amount of information as provided in other languages.

(2) Advertising and other sales materials

All sales and advertising materials in Ukraine such as announcements, inscriptions or other publicly available text, visual and audio information that is used to inform customers about goods and services, must be in Ukrainian. This information may be duplicated in other languages. If an advertisement is in the official language of the European Union, then the advertisement may be in that language.

(3) Information about goods and services

Information about goods and services has to be in Ukrainian. This information may be additionally provided in another language, but the volume of information about goods and services in Ukrainian may not be less than the mandatory amount of information in accordance with the requirements established by the Law of Ukraine "On Consumer Rights Protection".



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(4) Provision of services

All services and products have to be provided in Ukrainian unless a consumer specifically requests it to be in another language.

(5) Computer program interface

Any computer program user interface sold in Ukraine should be in Ukrainian and/or English, or in an official language of the European Union.

(6) Book publishing and book distribution

Not less than half of the titles of books published by a publisher during a year should be in Ukrainian. Not less than half of the books distributed by bookstores should be Ukrainian.

Exception: these requirements do not apply to bookstores that distribute books exclusively in the official languages of the European Union (currently 24 languages in total), dictionaries of foreign languages, textbooks on the study of foreign languages, as well as specialized bookshops created for the realization of the rights of indigenous peoples or national minorities of Ukraine.

(7) Printed mass-media:

Printed mass-media in Ukraine has to be published in Ukrainian. They may be published in other languages if on the day of publication a Ukrainian version is also published.

Exception: these requirements do not apply to (1) printed mass-media published exclusively in the Crimean Tatar language, in other languages of the indigenous people of Ukraine, in English or in another official language of the European Union, and (2) to scientific publications.

When will the new Law come into effect and when will it be necessary to bring business activities into conformity with the new Law?

The law comes into force on the 16th of July 2019.

However, separate provisions come into force later:

- the article regarding book publishing and book distribution (Article 26 of the Law) will come into force in 2 years, i.e. **on the 16th of July 2021;**
- the article regarding the use of the Ukrainian language for websites and the interface of computer programs (part 2 and 6 of the Article 27) will come into force in 3 years, i.e. **on the 16th of July 2022;**
- the article regarding the provision of services (Article 30 of the Law), will come into force in 1.5 years, i.e. **on the 16th January 2021;**
- the article regarding the Ukrainian version of printed mass-media (article 25 of the Law) will come into force in 2.5 years, i.e. **on the 16th of January 2022** (for state or regional mass-media) and in 5 years, i.e. **on the 16th of July 2024** (for local mass-media);
- the article regarding the language of advertisements (Article 32 of the Law) will come into force in 6 months after the date of entry into force of the Law, i.e. **on the 16th of January 2020;**

So, if you are an owner of business affected by this law, make sure you check how much time do you have to translate the required information into Ukrainian.

What is the liability for non-compliance with the requirements of the Law?

A Commissioner for the Protection of the State Language (the "Commissioner"), will be appointed by the Cabinet of Ministers of Ukraine to regulate compliance with the Law. In the case of violation of the Law, the Commissioner may issue a notification with a request to rectify any violation within 30 days from the date of the notification.

If the violation is repeated the Commissioner may apply a fine in accordance with the Code of Ukraine on Administrative Offenses.

The amount of the fine depends on the sphere in which the violation occurred:

- in the sphere of book publishing, computer program interface, public information, advertising, – the fine is UAH 3400 – UAH 5100 (about EUR 120 – 180);
- in the sphere of printed mass-media - the fine is UAH 6800 – UAH 8500 (about EUR 240 – 300);
- in case of another violation of the Law, except those mentioned above - the fine is UAH 3400 – UAH 5100 (about EUR 120 – 180);
- If such violation is repeated during the same year - a further fine is payable amounting to UAH 8500 – UAH 11900 (about EUR 300 – 410).

Criminal liability for violation of this Law does not exist.

Conclusions and recommendations:

Since the Law provide quite new regulation on the functioning of the Ukrainian language in different spheres of life, including some business spheres, we advise you to:

- 1. Study carefully which spheres of your business are affected by the law.*
- 2. Determine what you need to do according to the requirement of the Law. For example, to translate a website, online newsletter or advertising on goods or services in Ukrainian.*
- 3. Read carefully about the exceptions listed above for specific categories. For example, if you are the owner of a bookstore specializing in the distribution of book editions exclusively in the official languages of the European Union, you will not be subject to the requirement to provide 50% of books in Ukrainian.*
- 4. Estimate the cost of translation and ensure translation into Ukrainian or the availability of goods in Ukrainian.*
- 5. Update the information translated into Ukrainian in line with other language versions.*

If you have any further questions on this article, please contact Taras Tertychnyi (tertychnyi@hillmont.com.ua) or Anastasiya Chernoshtan (chernoshtan@hillmont.com.ua) at our office.

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