

Are you *Cookie Compliant*?



AdTech as a sector is under increasing scrutiny from regulators and there are a number of risks and considerations businesses need to be aware of when engaging in the use of cookies or similar technologies. There is also a seismic shift in the industry, driven by commercial changes throughout the ecosystem.

Many businesses utilise cookies and similar technologies as part of their targeted advertising through the use of AdTech. This is particularly evident as the world becomes more digitalised and technological innovations are developed by businesses to understand their customer base.

Ensuring compliance with regulations governing the use of cookies and similar technologies is paramount to mitigate legal risks, project against costly penalties and safeguard brand reputation.

Introducing Bird & Bird's Global Cookie Review

To provide clients with a comprehensive overview of the legal and regulatory landscape relating to the use of cookies and similar technologies, Bird & Bird have released a digital **Global Cookie Review (GCR)**. The GCR covers key legal frameworks and answers important questions, in a Q&A style format, for countries across EMEA, APAC, LatAm and the US. The GCR also signposts important actions and considerations when looking to make use of these technologies.

A *snapshot* glance

Our **Global Cookie Review** provides both a Red, Amber and Green analysis of cookie regulations and legal frameworks across the globe and answers some of the key questions that are important to consider when looking to make use of these technologies.

EMEA

High risk/be alert Take action | Medium risk See detailed answer | Low risk

	Austria	Belgium	Czech Republic	Denmark	Finland	France
1 - Can you place cookies without consent?	●	●	●	●	●	●
2 - Are cookie rules (whether specific or within general data protection laws) followed in practice?	●	●	●	●	●	●
3 - Are there any exemptions if consent is required?	●	●	●	●	●	●
4 - Can you place the following cookies automatically: i. Analytics cookies ii. Advertising cookies iii. Social media cookies	●	●	●	●	●	●
5 - Are you able to gain consent without a user ticking 'accept', i.e. imply consent from a user continuing to browse the site?	●	●	●	●	●	●

EMEA

High risk/be alert Take action | Medium risk See detailed answer | Low risk No information to provide

	Austria	Belgium	Czech Republic	Denmark	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Netherlands	Poland	Portugal	Spain	Sweden	UK	Spain Africa	USA	
1 - Can you place cookies without consent?	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
2 - Are cookie rules (whether specific or within general data protection laws) followed in practice?	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
3 - Are there any exemptions if consent is required?	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
4 - Can you place the following cookies automatically: i. Analytics cookies ii. Advertising cookies iii. Social media cookies	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
5 - Are you able to gain consent without a user ticking 'accept', i.e. imply consent from a user continuing to browse the site?	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
6 - Can you set cookies without a cookie notice?	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
7 - Can you set cookies without a cookie banner/management tool?	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
8 - Are you able to use cookie walls?	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
9 - Is the local regulator currently enforcing decisions against breaches of cookie rules?	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
10 - Are there any current consultations relating to ad technologies?	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
11 - Are there any anticipated changes to the rules and/or have there been changes to the situation in the market (for example, case law or industry body decisions)?	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●

Global Cookie Review 2021

Our Adtech specialists

We have a dedicated AdTech practice comprised of market-leading sector specialists that can help you understand the changes on the horizon. Visit our AdTech Hub to find out about the latest updates in this area.

Need training?

We currently offer many clients bespoke training on cookie compliance and legal compliance with adtech related regulations. To discuss your needs, **get in touch with Alex Dixie**.



Alex Dixie
Head of AdTech, UK & Global

T +44 20 7415 6000
E alex.dixie@twobirds.com



Lennart Schuessler
Partner, Europe

T +49 211 2005 6000
E lennart.schuessler@twobirds.com



Loren Leung
Partner, APAC

T +65 6534 5266
E loren.leung@twobirds.com



Joaquin Munoz
Partner, LatAm

T +34 91 790 6000
E joaquin.munoz@twobirds.com