NOTE

This is an extract from 'Minimum requirements for cookies' by Stevens & Bolton LLP/ Lex January 2023, which references an EDPB report linked below, and extracts the guidance shown.

The report includes the following guidance:

- Reject option: Cookie banners must have a "reject all" option. This button must be easily visible. For example, it cannot be placed in a link outside of the cookie banner itself or hidden in a chunk of text.
- Pre-ticked options: Users must give active consent to cookies and therefore preferences cannot be "pre-ticked" by default upon entering the website.
- Legitimate interest: Sites must not mislead users by claiming that non-essential cookies must be agreed to. The "legitimate interest" test can only be used for cookies that are strictly necessary.
- Misleading colours: Cookie banners cannot "point" users toward accepting cookies by making the "accept" button more noticeable than the "reject" button through prominent colours or shading.
- Withdraw consent: Users should always be able to easily withdraw their consent. A "withdraw consent" button should always be readily available.

The full report can be found here:

https://edpb.europa.eu/our-work-tools/our-documents/report/report-work-undertaken-cookie-banner-taskforce_en

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