

# Consent requirements regarding cookies (Planet49 case) (CJEU)

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On 1st October 2019, the Court of Justice of the European Union (“CJEU”) decided that a pre-checked box which users must deselect to refuse the storage and access to cookies on their terminal equipment is not a valid consent. Storing and accessing cookies therefore requires the Internet user’s active consent.

In this case C-673/17 (Planet49 GmbH v. Bundesverband der Verbraucherzentralen und Verbraucherverbände – Verbraucherzentrale Bundesverband e.V), the CJEU confirmed Advocate General Szpunar’s Opinion issued on the 21st March 2019.

The Court also confirmed that the information to be provided to users must include the information whether or not third parties may have access to cookies as well as the duration of operation of such cookies.

For more information on the facts which led to this decision as well as details on the AG Opinion, you may wish to read our article published in May 2019.

## **This may also interest you :**

- Interaction e-Privacy principles / GDPR
- EDPB’s updated Guidelines on consent under GDPR: cookies and scrolling

For any further information please contact us or visit our website at **[www.elvingerhoss.lu](http://www.elvingerhoss.lu)**.

The information contained herein is not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific legal advice concerning particular situations.

We undertake no responsibility to notify any change in law or practice after the date of this newsletter

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