April 2024

Cookie Compliance in Denmark: Trends & Insights

Introduction

In early 2023, Cookie Information presented a series of reports on the state of cookie compliance across the most visited websites in 10 different European countries.

Now, just over a year later, we've once again set out to take a deep dive into current trends and provide you with updated insights. **In this report, we'll be zooming in on Danish company websites.**

And it's more relevant than ever.

Because in our last report, we found compliance rates to be alarmingly low and we're curious to see if that trend has changed.

Additionally 2023 was an eventful year in data privacy – with the explosive emergence of AI, and subsequently EU's AI Act, the Digital Services Act and Digital Markets Act as well as Google's release of Consent Mode v2, which greatly impacted the digital marketing ecosystem. All trends that have carried over into 2024.

We're excited to present our findings, and hope you find them interesting.

Thank you for reading along!

Executive summary

In this 2024 report by Cookie Information, **we revisit the state of cookie compliance among the top 1,000 most visited Danish company websites**, building upon our previous findings from 2023. This analysis arrives at a critical juncture marked by significant regulatory developments, including the introduction of Google Consent Mode v2 and the broader enforcement of the EU's digital privacy regulations.

Through analysis, we found that there has been a slight increase in the implementation of cookie banners, although this improvement is tempered by the fact that **more than half of websites still demonstrate compliance issues.** Notably, the setting of non-essential cookies before obtaining user consent is still the most frequent issue.

Additionally, we saw a surprisingly low uptake of Google Consent Mode v2, suggesting either a delay in compliance efforts or a lack of awareness about the implications of non-compliance.

There is notable market activity with many websites having switched their cookie banner providers, likely influenced by the demand for compliance solutions that integrate effectively with new technologies like Google Consent Mode v2.

We conclude that the landscape of cookie compliance in Denmark shows both progression and significant ongoing challenges. As privacy measures and expectations continue to evolve, all stakeholders must increase their commitment to compliance to ensure not only legal adherence but also the trust and safety of consumers in the digital domain. Enhanced efforts in education, technology adoption, and regulatory enforcement will be key to achieving these goals.
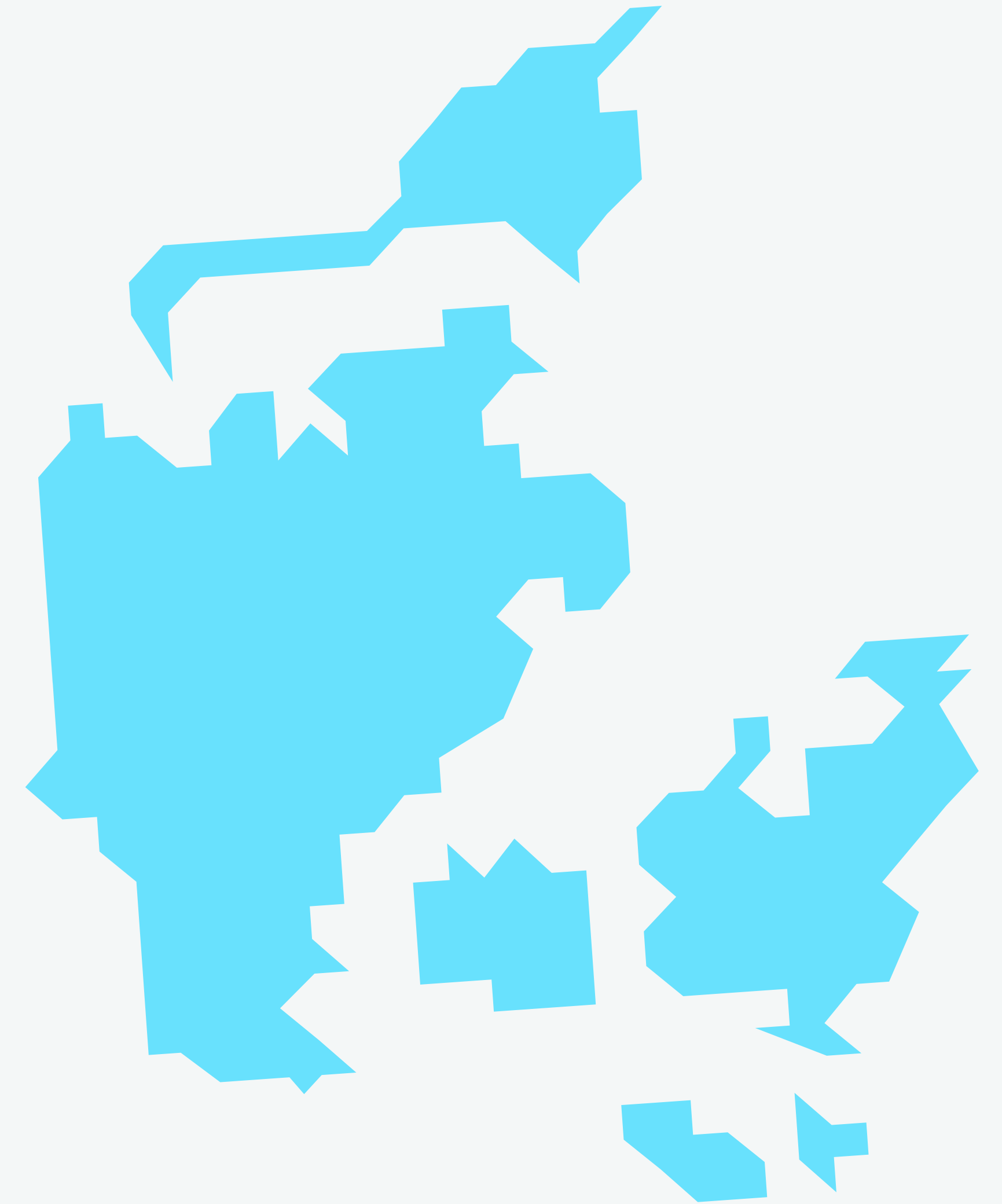
TABLE OF CONTENTS

Methodology

Using an online tool providing traffic data for websites across different countries, we identified the **1,000 most visited Danish company websites**. Non-local and international websites (such as Facebook, Google, etc.) were filtered out.

We scanned the identified websites using our proprietary scanner tool, to assess the following:

- Does the website have a cookie banner?

- Are any potential compliance issues present?

  - Does the website set non-essential cookies before obtaining user consent?
  - Does the website give the user the option to reject cookies?
  - Can the user withdraw or change their consent?

- Has the website's cookie banner provider changed in the period since our last report?

- Has the website implemented Google Consent Mode version 2?

Legal framework

Cookiebekendtgørelsen
Cookiebekendtgørelsen concerns the use of cookies and similar technologies on websites. It requires websites to obtain the visitor's consent before setting or reading cookies and to provide the user with a range of information:

- Which cookies are set/read?
- By whom?
- For what purposes?
- Cookie expiration date
- How to withdraw consent

Cookiebekendtgørelsen is enforced by Digitaliseringsstyrelsen (The Agency for Digital Government).

The General Data Protection Regulation (GDPR)
The GDPR applies when websites collect, use, or store personal data. Personal data is any kind of information that can be related to an identifiable person, such as:

- Name
- Address
- Identification numbers
- Phone numbers
- Location data
- IP address
- Cookie identifiers

If you use cookies on your website to identify users, i.e. via marketing, third-party or tracking cookies, they qualify as personal data and are subject to the GDPR.

In Denmark, the GDPR is enforced by Datatilsynet (The Danish Data Protection Agency).

Consent Mode v2

Towards the end of 2023, Google introduced Consent Mode v2. This new version of Consent Mode is part of Google's ongoing efforts to strengthen the enforcement of its EU user consent policy.

This policy specifically mandates that advertisers using Google Ads or Google Analytics must implement a consent management platform. The purpose of this requirement is to ensure that consent preferences are collected for users located in the EEA. These consents are then communicated to Google through the Consent Mode v2, enabling advertisers to adjust their data usage based on the consent provided by each user.

Consent Mode v2 has significant implications for website owners and advertisers targeting users in the EEA. **Google set a deadline for advertisers to implement Consent Mode v2 by March 2024** if they want to capture new data on users in the EEA and continue using measurement, ad personalization, and remarketing features in Google Ads.

This framework is relevant to our analysis as it represents a significant compliance requirement for any website utilizing Google Ads or Google Analytics. We aim to highlight the broader implications of compliance technologies on data privacy practices, particularly how these requirements influence the digital strategies of businesses.
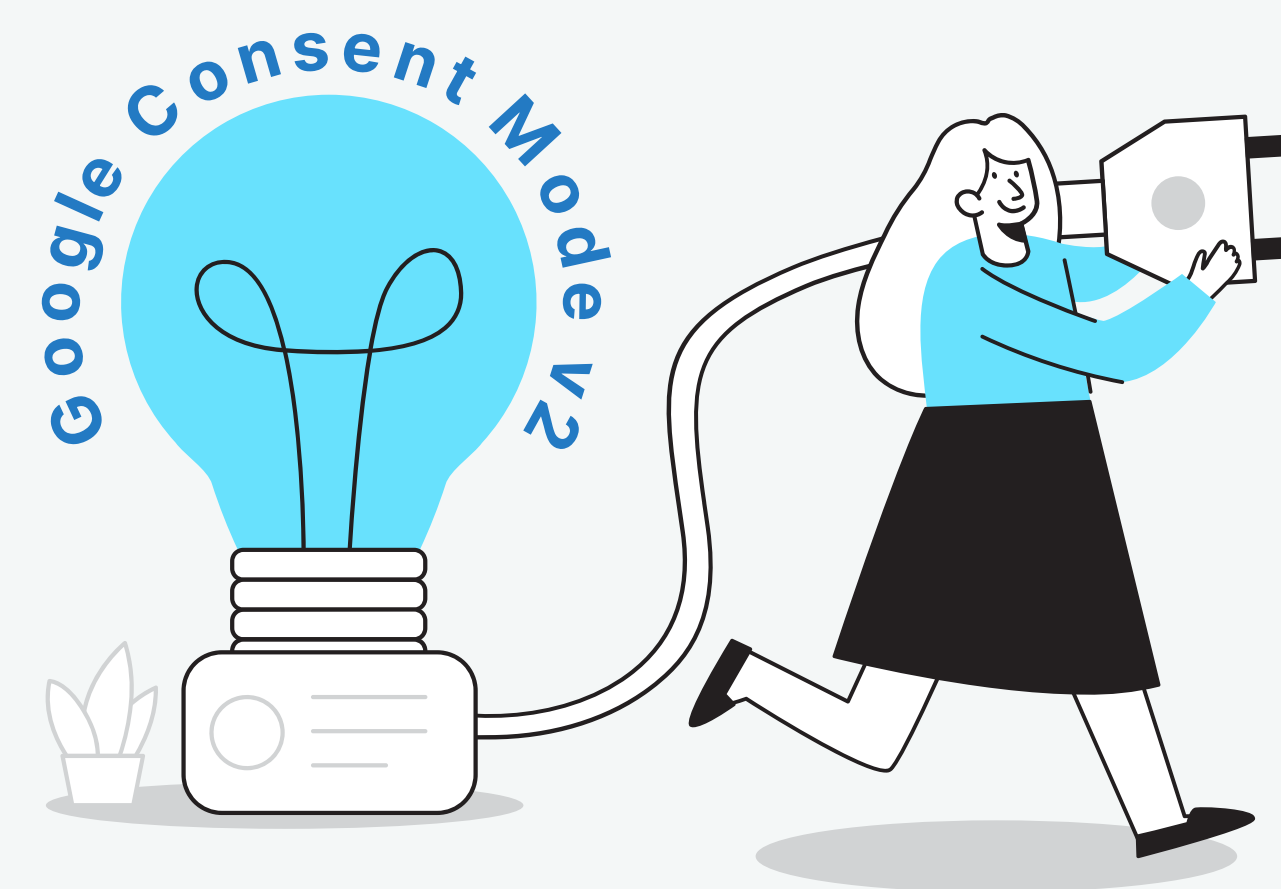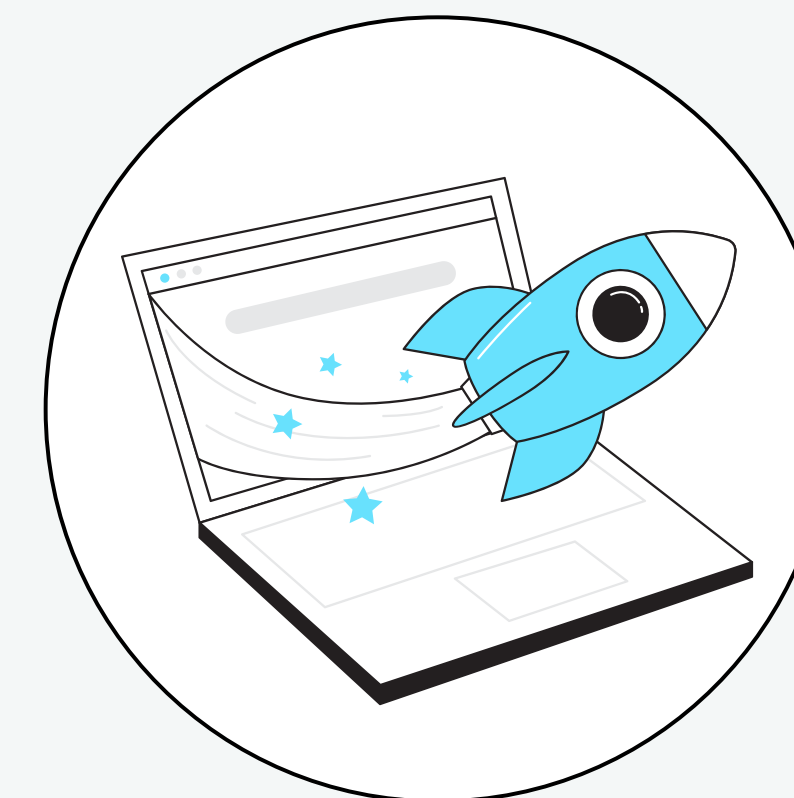
Insights

This section presents the results of our analysis. We've organized results in 3 themes

1. Adoption of cookie banners and market dynamics

2. Cookies and compliance

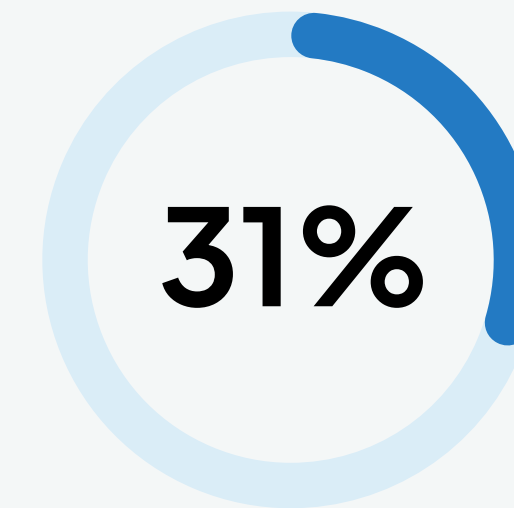**3.** Adoption of Google Consent Mode v2

1. Adoption of cookie banners and market dynamics

94%

94% of the analyzed websites have a cookie banner
In 2023, the number was 91%

31%

31% of the analyzed websites have switched cookie banner provider between January 2023 and April 2024

A vast majority of the analyzed websites have a cookie banner. We see a slight positive trend in the adoption of cookie banners among Danish websites when compared with the numbers from 2023.

It's worth noting that websites only using essential/strictly necessary cookies aren't required to have a cookie banner, as this category of cookies doesn't require user consent. This offers a possible explanation as to why some of the analyzed websites haven't implemented a cookie banner.

In the period since our last report, a substantial number of the analyzed websites have switched to a different cookie banner provider.

The number includes websites that **1) switched from one CMP provider to another** or **2) previously hadn't implemented any CMP** but did so during the specified time period.

The high number of websites switching providers indicates an increasingly competitive market for CMPs.

Market competition has likely been increased due to Consent Mode v2, by driving demand for cookie banners from designated Google CMP Partners, and cookie banners in general.
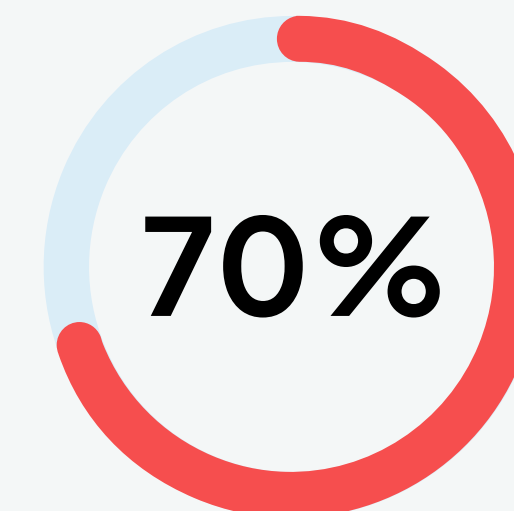
2. Cookies and compliance

84%
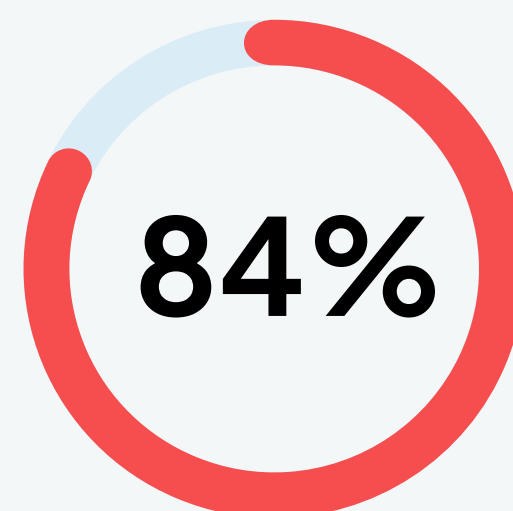
**84% of the analyzed websites exhibit compliance issues
In 2023, this number was 79%**

Even though most of the analyzed Danish websites have a cookie banner, we see an increase in websites with compliance issues.

One of the most frequent compliance issues among the analyzed websites is setting non-essential cookies before obtaining user consent.

70%

70% of the analyzed websites set non-essential cookies before obtaining user consent

Unfortunately, this suggests a negative trend in cookie compliance, and that users are experiencing non-consensual tracking and data processing.

When looking across 18 different website categories, the issue of setting non-essential cookies before consent is most prominent in **Sports (89%), E-commerce (83%), and Arts & Culture (82%)**.

3. Adoption of Consent Mode v2

29%
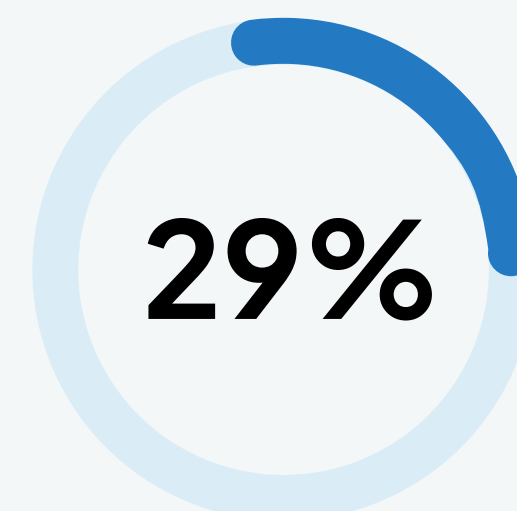
29% of the analyzed websites have implemented Google Consent Mode v2

Given that the deadline for implementing Consent Mode v2 has been exceeded, we found the implementation rate to be surprisingly low.

Our analysis shows that a significant number of websites, including the ones that haven't implemented Consent Mode v2, are using Google Ads and/or Google Analytics.

In fact, Google Ads and Google Analytics cookies are the non-essential cookies most frequently being set before obtaining user consent.

It's unlikely then, that the low implementation rate has anything to do with the analyzed websites not using Google services.

But it might indicate that website owners haven't yet noticed any decrease in functionality, or alternatively, that functionality limitations are yet to fully take effect.

"

I'm quite surprised by the low implementation rate of Consent Mode v2, especially since you'd expect more of these large companies to be compliant and generally have superior technical setups.

Of course, all companies must adhere to the applicable cookie legislation. However, it's also in every company's interest to minimize negative business impacts: implementing Consent Mode v2 through one of the Google Certified consent management platforms is an extremely high-return investment.

Because in just a few hours, you can ensure that you get more data into your Google Analytics and Google Ads. It's a no-brainer, in my opinion.

The only plausible reason I can think of for not implementing Consent Mode yet might be simply not knowing it's available.

**– Halfdan Timm
   Partner, Obsidian Digital**

Implications

For website owners

The findings of this report have direct and substantial implications for website owners. As the enforcement of cookie compliance becomes more stringent, website owners must ensure their sites are not only compliant but also clearly document user consent.

Owners need to prioritize upgrading their compliance tools, adopting compliant platforms, and ensuring that these tools are correctly configured.

For marketers

For marketers, the evolving landscape of cookie compliance represents both a challenge and an opportunity.

The introduction of consent mechanisms like Google Consent Mode v2 necessitates a shift in how marketers approach targeting and data analytics. Marketers must ensure that their advertising strategies are not only effective but also fully compliant with current regulations.

This may require a move towards **more consent-based marketing practices and a greater reliance on first-party data,** as well as rethinking approaches to meet target audiences without infringing on user privacy.

Implications

For Data Protection Authorities

The trends and insights presented in the report underscore the ongoing challenges faced by Data Protection Authorities in enforcing compliance.

Insufficient funding and resources are, of course, a major contributing factor. But despite the regulatory frameworks in place, the high prevalence of compliance issues indicates that current approaches to regulatory enforcement might be simply ineffective.

DPAs may need to consider enhanced monitoring and enforcement actions, and possibly review and refine regulatory guidelines to close existing loopholes.

One approach that DPAs could explore is the implementation of automated website audits. By employing technology, authorities can automate parts of the audit process. This allows for systematic scanning of websites to identify data protection issues, such as improper cookie management or inadequate consent mechanisms. Consequently, authorities can cover more ground efficiently, ensuring broader compliance with privacy laws.
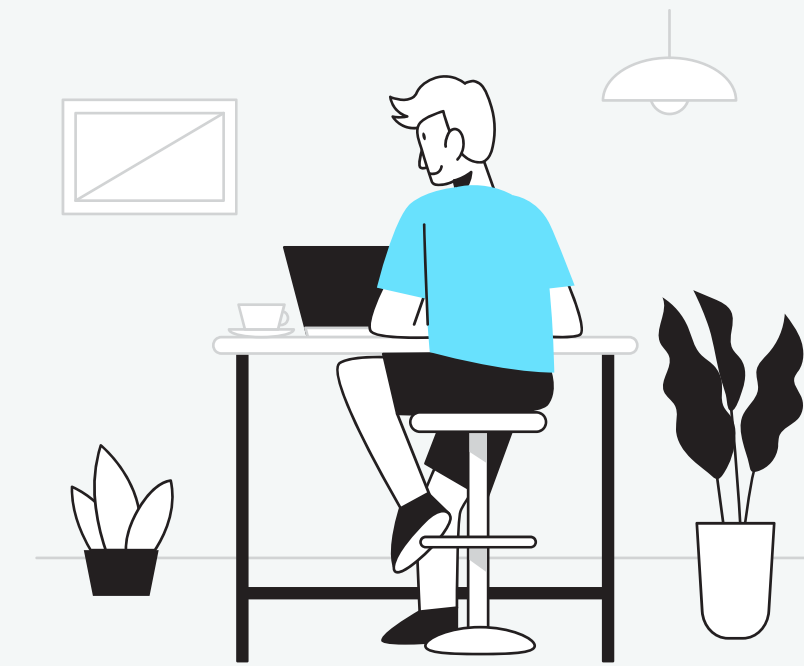
For consumers

For consumers, the report highlights persistent concerns regarding privacy and the use of personal data. The continued issues with non-compliance suggest that **many consumers are still subject to non-consensual tracking and data processing.**

This situation calls for heightened awareness and education among consumers about their rights and the mechanisms available to manage consent preferences effectively. Additionally, **consumers can influence better compliance practices** by favoring companies that adhere to privacy regulations and demonstrate transparency and respect for user consent.

Consumer-driven demand for compliance can further encourage website owners and marketers to adopt more stringent privacy measures.

Conclusion

The results from our analysis reveal a landscape that is gradually aligning with regulatory expectations, yet significant challenges persist. The slight increase in the adoption of cookie banners indicates a positive trend. However, the persistence of certain compliance issues, such as setting cookies prior to obtaining user consent, underscores a **widespread and concerning disregard for user privacy.**

The introduction of Google Consent Mode v2 was anticipated to be a significant driver for compliance, especially for websites utilizing Google Ads and Google Analytics. Despite this, we found that **less than a third of the analyzed websites have adopted Consent Mode v2.** This low uptake suggests a lag in response by website owners, possibly due to a lack of awareness or the absence of immediate negative effects related to the functionality of their Google services.

Moreover, the competitive dynamics in the CMP market, as evidenced by the high number of websites switching providers, indicate an ecosystem responding to evolving compliance needs. **However, this has yet to translate into improved compliance practices across the board.**