EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

DECISION

Application no. 44000/22
BÍLABÚÐ BENNA EHF.
against Iceland

The European Court of Human Rights (Second Section), sitting on 10 March 2026 as a Committee composed of:

Gediminas Sagatys*, President*,
Oddný Mjöll Arnardóttir,
Juha Lavapuro*, judges*,

and Dorothee von Arnim, *Deputy Section Registrar*,

Having regard to:

the application (no. 44000/22) against the Republic of Iceland lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 8 September 2022 by an Icelandic company, Bílabúð Benna ehf. ("the applicant company"), established in Reykjavík in 1992 and represented by Mr Gunnar Ingi Jóhannsson, a lawyer practising in Reykjavík;

the decision to give notice of the complaint under Article 6 § 1 of the Convention concerning an alleged lack of impartiality in civil proceedings to the Icelandic Government ("the Government"), represented by Ms Ásta Sóllilja Sigurbjörnsdóttir, Co-Agent, and to declare inadmissible the remainder of the application;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns an alleged lack of impartiality of a District Court judge appointed to sit in a civil dispute involving the applicant company.

2. In October 2016 the applicant company, a car dealership, sold a car to Ó.F. A dispute arose between the parties regarding an alleged fault in the car, and Ó.F. filed a civil claim before the Reykjavík District Court.

3. At the time of the proceedings, Ó.F. served as Director of the Court Administration in Iceland and her husband was a judge at the Reykjavík District Court. In October 2019 the Chief Judge of the Reykjavík District Court ruled that all of the court's judges were ineligible to preside over the case and referred the matter to the Court Administration.

4. At a meeting on 14 October 2019, the Court Administration decided to allocate the case to K.H., a judge at the Reykjanes District Court. According to the minutes, as published on the Court Administration's website, Ó.F. was present at that meeting. The Government subsequently produced a copy of the signed original minutes showing that Ó.F. had recused herself from the meeting before the item concerning the appointment of the judge in her case was discussed. The Government submitted that certain sensitive information had had to be redacted from the minutes before their publication, and that the sentence on Ó.F.'s recusal had also been removed by mistake.

5. On 6 November 2019 the applicant company requested that judge K.H. withdraw from the case, arguing that Ó.F.'s position as Director of the Court Administration was a reason to question the impartiality of any permanently appointed judge. At that point it did not have information about how judge K.H. was appointed or whether Ó.F. had any direct involvement in the process. On 11 December 2019 judge K.H. dismissed the request. The applicant company did not appeal against that decision.

6. Two additional judges were appointed to the court: one district court judge and one expert lay judge. On 20 July 2020 the Reykjavík District Court ruled in favour of Ó.F. The applicant company appealed to the Court of Appeal, suggesting that *ad hoc* judges be appointed. In the proceedings before the Court of Appeal, counsel for Ó.F. stated that Ó.F. had "no part in appointing the judge in the District Court case". On 21 January 2022 the Court of Appeal, in a composition of two professional judges and one expert lay judge, upheld the District Court judgment.

7. The applicant company requested leave to appeal to the Supreme Court but did not raise the question of impartiality as grounds for appeal. All the judges of the Supreme Court recused themselves, as Ó.F. had by that time taken over the position of Administrative Director of the Supreme Court. Three *ad hoc* judges were appointed to consider the request. On 9 May 2022 the Supreme Court denied leave to appeal.

8. The applicant company submitted that it only became aware of Ó.F.'s involvement in the meeting of 14 October 2019 in 2022, when it examined the published minutes on the Court Administration's website.

9. The applicant complained, under Article 6 § 1 of the Convention, that it did not receive a fair trial by an independent and impartial tribunal because Ó.F. had participated in the meeting of the Court Administration where judge K.H. was appointed to her case against the applicant.

THE COURT'S ASSESSMENT

10. The Government raised objections concerning the compliance with the time-limit for introducing the application and the exhaustion of domestic remedies. In particular, they submitted that the applicant company should have been aware of Ó.F.'s attendance at the meeting of 14 October 2019 at a much earlier stage and could have requested information from the Court Administration or appealed against judge K.H.'s ruling of 11 December 2019. The Court does not find it necessary to determine these admissibility issues, as the application is in any event manifestly ill-founded for the reasons set out below.

11. The applicant company submitted that it had not had a fair trial by an independent and impartial tribunal, as required by Article 6 § 1 of the Convention, because the published minutes indicated that Ó.F. was present at the meeting where judge K.H. was appointed to her case.

12. The Government submitted that Ó.F. did in fact leave the meeting of the board of the Court Administration before judge K.H. was appointed. The signed original minutes of the meeting proved this. The Government explained that the publication of the minutes on the Court Administration's website had been carried out incorrectly and that by mistake the sentence recording Ó.F.'s recusal had been removed. The applicant company could easily have requested information about the handling of the case from the Court Administration, including a copy of the minutes of the board meeting, but failed to do so.

13. The applicant expressed doubt about whether Ó.F. actually recused herself from the meeting, noting that the signed minutes produced by the Government differed from the published version and could not rule out the possibility that they had been corrected after the application was lodged. In any event, even if Ó.F. had recused herself shortly before the decision was taken, she must have known which judge would be appointed and her presence at the meeting up until that point was sufficient to cast serious doubt on judge K.H.'s impartiality.

14. As regards the complaint of a lack of impartiality on account of Ó.F.'s alleged participation in the decision to appoint judge K.H. to her case, the Court observes that the published minutes available to the applicant company indicated that Ó.F. was present at the meeting of 14 October 2019. In those circumstances, the applicant company cannot reasonably be assumed to have known that Ó.F. had in fact recused herself from the meeting before the appointment of the judge was discussed. However, the documents subsequently submitted by the Government, namely a copy of the signed original minutes of the meeting, establish that Ó.F. did leave the meeting before the appointment of a judge in her case was discussed. The Court has no reason to doubt the authenticity of these minutes or to question the Government's explanation that the sentence recording Ó.F.'s withdrawal was

removed by mistake when the minutes were published on the Court Administration's website. Accordingly, the factual premise of the applicant company's complaint is not established.

15. In light of the foregoing, the Court finds that the applicant company's complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 2 April 2026.

Dorothee von Arnim Deputy Registrar	Gediminas Sagatys President