

**School of Law
Reykjavík University**

SUMMARY - ANNUAL RESEARCH REPORTS 2012

Arnar Þór Jónsson LL.M., senior scientist

Research Output in Peer-Reviewed Outlets

Articles in peer-reviewed scholarly journals

Menntun lögfræðinga. Grein í afmælisriti Sigurðar Líndal.

[On Legal Education. Article to be published in a book dedicated to Professor Sigurður Líndal].

Vantraust á dómstólum. Grein í lokayfirllestri. Verður birt í tímariti Lögréttu.

[Distrust in the Icelandic Court System. Article to be published in Lögrétta, the legal journal of RU]

Talks and Presentations

Invited speaker for the main topic at “Lawyers Symposium 2012”, Spring 2012

Chairperson at a lecture given by Hans P. Graver at RU, Spring 2012

Panel – participant at RU symposium on the Morality of Lawyers, Fall 2012

Other Research-Related Work

Supervision of research projects by master’s students

Supervisor for master students.

Editorial work for scientific journals or books

Editor in chief for Lögrétta, the legal journal of RU.

Referee work for scientific journals, books or conferences

Tímarit Lögfræðinga, referred one article.



Organization of research conferences

Currently working with Alan Segal, PhD, Professor / Adjunct Professor Sociology, Department of Arts and Education / Department of Multidisciplinary Studies Grande Prairie Regional College / University of Northern British Columbia, Canada, to see if we could set up a conference here in Iceland in July 2013.

Dr. Bjarni Már Magnússon., senior scientist (July 2012)

Research Output in Peer-Reviewed Outlets

Articles in peer-reviewed scholarly journals

Bjarni Mar Magnusson. Outer Continental Shelf Boundary Agreements. *International & Comparative Law Quarterly* (accepted).

Bjarni Mar Magnusson. Judgement in the Dispute concerning Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal (14 March 2012) (2012) 27 *International Journal of Marine and Coastal Law* 622-33.

Other Research-Related Work

Supervision of research projects by master's students

Supervisor for master students

Conference, Workshops and Seminar Presentations

The natural prolongation concept after the judgment in the dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar. *Fifth Polar Law Symposium* (Rovaniemi, Finland, September 6-8, 2012)

Other relevant information

Ph.D, University of Edinburgh Nov. 2012

Davíð Þór Björgvinsson LL.M., Professor

Research Output in Peer-Reviewed Outlets

Peer-reviewed book chapters

The Right of Reply. To be Published 2012 in Liber Amicorum for Sir Nicolas Brazda the President of the European Court of Human Rights.

The European Convention on Human Rights and Trade Union Rights. The Rights of Workers in the European Charter of Fundamental Rights – Conference Proceedings. University of Ferrara, Italy (to be published in 2012).

Research Output in Non-Peer-Reviewed Outlets

Scientific articles

Reflections on the Interplay Between Domestic Courts and the European Court of Human Rights. In Proceedings from Seminar on the Implementation of the Judgments of the European Court on Human Rights in Ukraine (Russian Title). Odessa Law Academy 2012, p 74-81

Talks and Presentations

Title-Conferences

Reflections on the Interplay Between National Courts and the ECHR. Plenary talk at the conference: Execution of Judgments and Implementation of the European Court of Human Rights Practice. Organized by the National University "Odessa Law Academy" in Odessa, Ukraine, 15 September 2012.

The standard of judicial review in antitrust matters. The ECHR perspective. Panel talk at St. Gallen International Competition Law Forum ICF, June 7 and 8 2012. Organized by the Institute of European and International Business Law, University of St. Gallen, Switzerland.

Fundamental Rights in EEA Law Paper delivered on 9 March 2012 for the Conference: "The Preliminary Reference Procedure and Access to Justice in the EEA. Organized by University of Iceland Faculty of Law and the EFTA Court.

Other Research-Related Work

Ph.D. supervision

Member of a Doctoral Dissertation Reading Committee for Sigurður Gizurarson Ph.d. student at University of Iceland.

Supervision of research projects by master's students

ML thesis.

Conference, Workshops and Seminar Presentations

Freedom of expression - Article 10 of the ECHR. Lecture given at the seminar: Articles 6 and 10 of the European Convention on Human Rights. Organised by the Constitutional Court of the Republic of Montenegro and the Council of Europe, Justice and Legal co-operation department, in Podgorica (Titograd), Montenegro, 31 May to 1 June 2012.

Other relevant information

Judge of the European Court of Human Rights since 2004.

Referee for the Nordic Mood Court Competition. Stockholm, June

Eiríkur Elís Þorláksson LL.M., senior scientist (July 2012)

Research Output in Peer-Reviewed Outlets

Articles in peer-reviewed scholarly journals

Eiríkur Elís Þorláksson. Hugakið innstæða í íslenskum rétti. [The term Deposit in Icelandic Law]. Útljótur 1. tbl. 2012

Eiríkur Elís Þorláksson. Meginreglur um lagaval innan samninga og undantekningar frá þeim. [Main principles and exceptions in choice of law rules] 1. hefti 2012

Gunnar Þór Pétursson LL.M., senior scientist

Research Output in Peer-Reviewed Outlets

Peer-reviewed books

Sybe de Vries, Xavier Groussot, **Gunnar Thor Petursson**: Balancing Fundamental Rights with the EU Treaty Freedoms: The European Court of Justice as 'tightrope' walker. Eleven International Publishing. 2012.

Peer-reviewed book chapters

Xavier Groussot, and **Gunnar Thor Petursson**: The Scope of Application of Fundamental Rights on Member States' Action: In Search of Certainty in EU Adjudication, in European Legal Method, in multilevel EU legal order. U. Neergaard and R. Nielsen (ed.) DJØF Forlag, 2012.

Books and other scientific publications

Xavier Groussot and **Gunnar Thor Petursson**: Balancing as a Judicial Methodology of EU Constitutional Adjudication in Festschrift till Pär Hallström. Iustus Forlag. 2012

Other Research – Related Work

Grants obtained from competitive research funds

The Icelandic Research Fund (Rannsóknasjóður) – 7.894.999 (20.000.000 ISK in total for 3 years) Understanding the Margin of Appreciation in European Human Rights Regimes – Oddný Mjöll Arnardóttir (PI) - 120635021

Participation and role in international research projects/programs

Understanding the Margin of Appreciation in European Human Rights Regimes – Oddný Mjöll Arnardóttir (PI) –

- A country expert in the ACIT (Access to citizenship and its impact on immigrant integration) project, which is a follow up, and an extension to the EUCITAC project (see below). The project is focusing on various aspects of citizenship – including legislation, case law and political and non-political discourse on the topic, in all jurisdictions in Europe.

Referee work for scientific journals, books or conferences

Ad – hoc, Per reviewi Timarit Lögréttu.

Conference, Workshops and Seminar Presentations

“The Scope of the EU Charter of Fundamental Rights - When should it be applied by National



Courts?” presentation held at the conference “ Constitutions of the EU and Nordic States - Multilevel Constitutional Order and Democratic Challenges” – held in Reykjavik 21 September 2012.

Kristín Haraldsdóttir LL.M., Specialist, Director of Institute for Natural Resource

Research output in Peer-Reviewed outlets

Articles in peer-reviewed scholarly journals

Kristín Haraldsdóttir: Endurskoðun laga um stjórn fiskveiða og jafnræðisregla stjórnarskrárinnar – vandratað er meðalhófið! (Review of the Fisheries Management Act: the Constitutional Principle of Non-Discrimination and the application of the principle of proportionality) Tímarit um viðskipti og efnahagsmál. (Icelandic Journal of Business and Economics) Submitted 2012.

Research output in Non-Peer-reviewed outlets

Scientific reports and reviews/evaluations/opinions

Kristín Haraldsdóttir: Um eignarréttarlega stöðu jarðhita og grunnvatns innan eignarlanda. (Analysis and comparison of property rights to ground water and surface water.) Report written for a committee on review of Act No. 57/1998 on research and development of ground resources. Pp. 1-50. April 2012.

National expert for the second Arctic Human Development Report prepared for the Arctic Council. Authors are Professor Nigel Bankes, University of Calgary and Professor Timo Koivurova at the University of Lapland.

Other Research-Related Work

Supervision of research projects by master's students

Supervisor for masters theses.

Supervision of research projects by undergraduate students

Supervisor for a student thesis.

Leadership in research groups/centre

Director of the Reykjavík University Natural Resources Institute.

Participation in research – related advisory/evaluation boards

Member of the Academic council for Reykjavík Energy Graduate School of Sustainable Systems.

Examiner roles in research related degrees.

University of Oslo, Norway, Ph.D. Member of an evaluation committee for the Ph. D. thesis Allemannsretten, Friluftslivets rettsgrunnlag . Completed in January 2012

External examiner in master thesis. Constitutional protection of fishing quotas under Article 72 of the Icelandic Constitution. Akureyri University.

Member of qualifications assessment committees (related to promotions or hiring)

Reykjavik University. Hiring committee for two academic positions at the faculty of law.

Conference, Workshops and Seminar Presentations

Endurskoðun laga um stjórn fiskveiða og jafnræðisregla stjórnarskrárinnar – vandratað er meðalhófið! (Review of the Fisheries Management Act: the Constitutional Principle of Non-Discrimination.) Presentation at a conference on fishery management 9 May 2012, organised by the Icelandic Journal of Business and Economics

Other Relevant Information

Organised and chaired the seminar: Assessment of water rights. Held by the Reykjavik Institute on Natural Resources . 15 March 2012

Member of a committee on revision of Act No. 57/1998 on research and utilisation of ground resources. Appointed by the Minister of Industry. (November 2011-April 2012).

Margrét Einarsdóttir LL.M., Assistant Professor

Research output in Peer-Reviewed outlets

Articles in peer-reviewed scholarly journals

Margrét Einarsdóttir. Ráðgefandi álit EFTA-dómstólsins – raunveruleg áhrif í íslenskum rétti. [Advisory Opinions of the EFTA-court – real effects in the Icelandic legal system]. Tímarit lögfræðinga, 2/2012 (p. 133-153).

Margrét Einarsdóttir and Lena Mjöll Markusdóttir. Reglur Evrópuréttar um heilbrigðisþjónustu yfir landamæri. [EU law on cross-border healthcare]. This article is published in the journal of Tímarit Lögréttu.

Invited Talks and Presentations

Title – Conferences

Lecture about advisory opinions from the EFTA Court. Conference hosted by the EFTA Court and the University of Iceland on the 9th of March with the participation of the University of Akureyri, the University of Bifröst and the University of Reykjavík.

Research work

Supervision of research projects by master students

Supervisor for a masters thesis.

Supervision of research projects by undergraduate students

Supervisor for a BA theses.

Leadership in research groups/centre

Director of the European Law Institute.

Editorial work for scientific journals or books

Director of Tímarit lögfræðinga (Icelandic Law Journal).

Referee work for scientific journals, books or conferences

Tímarit Lögréttu – a member of Reviewing Board

Organization of research conferences

On behalf of the Icelandic Association of Lawyers I was in the organizer committee for “Lagadagur” [The day of Law] which is a yearly conference for lawyers in Iceland organized by the Judges Association, the Bar Association and the Association of Lawyers. This year there were about 500 participants and over 30 speakers.



Examiner roles in research-related degrees

Reykjavik University - I evaluated 2 ML-thesis in spring 2012.

Other Relevant Information

I have been a board member of the Icelandic Financial Supervisory Authority from July 2012.

I was on the editorial board of the web journal “Evrópuvefurinn” until September 2012.

I have given many interviews in both the National Radio and newspapers regarding the Icesave-case over the year. Many people have referred to my opinion, f.e. the Prime Minister of Iceland in the National Radio on the 13th of April.

Margrét Vala Kristjánsdóttir LL.M., MPA, Associate professor

Research output in Peer-Reviewed outlets

Articles in peer-reviewed scholarly journals

Margrét Einarsdóttir. Ráðgefandi álit EFTA-dómstólsins – raunveruleg áhrif í íslenskum rétti. [Advisory Opinions of the EFTA-court – real effects in the Icelandic legal system]. Tímarit lögfræðinga, 2/2012 (p. 133-153).

Margrét Einarsdóttir and Lena Mjöll Markusdóttir. Reglur Evrópuréttar um heilbrigðisþjónustu yfir landamæri. [EU law on cross-border healthcare]. This article is published in the journal of Tímarit Lögréttu.

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Research work

Supervision of research projects by master students

Supervisor for a masters thesis.

Supervision of research projects by undergraduate students

Supervisor for a BA theses.

Leadership in research groups/centre

Director of the European Law Institute.

Editorial work for scientific journals or books

Director of Tímarit lögfræðinga (Icelandic Law Journal).

Referee work for scientific journals, books or conferences

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Dr. Ragnhildur Helgadóttir Professor

Research output in Peer-Reviewed outlets

Peer-Reviewed book chapters

Ragnhildur Helgadóttir: Hvordan skabes en (islandsk) grundlov? Grundlovsændringer, sædvaneret og praksis 1874-2011. [How is an (Icelandic) Constitution made? Constitutional Amendments, Customs and Practice 1872-2011]. In *Grunnlova mellom tolking og endring* [*The Constitution between Interpretation and Change*]. Pax Forlag. Oslo 2013.

Ragnhildur Helgadóttir: Nødret i Island og betydningen af Den Europæiske Menneskerettighedskonventions artikel 15. [Emergency Law in Iceland and the Importance of art. 15 of the European Convention on Human Rights]. In *Unntakstilstand og forfatning* [*State of Emergency and the Constitution*]. Pax Forlag. Oslo 2013.

Research output in Non-Peer-Reviewed outlets

Scientific articles

Ragnhildur Helgadóttir: Economic Crises and Emergency Powers in Europe. *Harvard Business Law Review*. March 2012.

<http://www.hblr.org/2012/03/eu-economic-emergency-powers/> This article is not reviewed because it builds (in part) on the work done for Nordisk Juristmöte in 2011 and first published there. However, the editors of HBLR wanted to publish this in English.

Books and other scientific publications

Ragnhildur Helgadóttir: *Ábyrgð aðila sem standa fyrir félags- og tómstundastarfi fyrir börn og unglinga* [*The liability of those who organize extra-curricular activities for children and youth*]. Revised edition. The Youth Council and the Ministry of Education. 2012.

Invited Talks and Presentations

Title-Conferences

Member of 4 person panel speaking on the New Draft Constitution at “Lagadagur” [The Law Day], May 6, 2012. This is a joint conference organized by the Judges’ Association, the Bar Association and the Association of Lawyers.

Other Research - Related Work

Ph.D. supervision

Supervisor for Milosz Hodun. Project name: The U.S. Supreme Court as an Example for the European Court of Justice. Reykjavik University.

Leadership in research groups/centre

Led (with Guðmundur Sigurðsson) application of a Nordic group of researchers, for a grant from NOS-HS as well as from The Icelandic Research Fund.

Grants obtained for research from other sources

Use of Alþingi's (parliament's) researchers' apartment and office in Copenhagen (Jónshús) in May/June 2013. (The use of these facilities are highly competitive. Alþingi asks for applications once a year and grants the use of the facilities to researchers for one month).

Participation and role in international research projects/program

NOS-HS (Nordisk samarbeidsnemnd for humanistisk og samfunnsvitenskapelig forskning [The Joint Committee for Nordic research councils in the Humanities and Social Sciences (NOS-HS)] application: Examination and Comparison of Compensation Law in the Nordic Welfare Systems – PI

Nye perspektiver på Grunnloven: Seks tverrfaglige forfatningshistoriske studier [New Perspectives on the Constitution: Six multidisciplinary studies in constitutional history) – Dag Michalsen – Participation in part 4.1 Grunnloven mellom tolkning og grunnlovsendring [The Constitution - between Interpretation and amendment] led by Eirik Holmøvik and part 4.5. Forfatning og unntakstilstand [Constitution and States of Emergency] led by Dag Michalsen. I will write a book chapter in each part.

Editorial work for scientific journals or books

Retfærd (Icelandic editor). 2007-to date.

Referee work for scientific journals, books or conferences

Tímarit Lögréttu (Chairman of Reviewing Board until March 2012)

Participation in research-related advisory/evaluation boards

National Expert for FP7 (7th Framework Programme EU – see Rannis webpage, www.rannis.is).

Organization of research conferences

Stjórnskipulag Evrópusambandsins og Norðurlanda - Áhrif yfirþjóðlegs valds á stjórnskipun aðildarríkja og lýðræði [Constitutions of the EU and Nordic States Multilevel Constitutional Order and Democratic Challenges]. One of three organizers.

Conference series of the Icelandic Universities regarding the draft constitution. Winter 2012-2013.

Member of qualification assessment committees

Member of search committee for 2 positions at the faculty of law. Reykjavík University. Spring 2012.

Research awards, prizes, honors etc and scientific positions of trust

2005- to date. Member of the Icelandic steering Committee for the Nordic Lawyers' Meeting (Den Islandske Styrelsen for De Nordiske Juristmøder).

Conference, Workshop and Seminar Presentations (Research-related)

Ragnildur Helgadóttir: *Emergency powers*. Presentation at the Centre of Excellence in Foundations of European Law and Polity at the University of Helsinki (<http://www.helsinki.fi/katti/foundations/>) 16 April 2012.

Ragnildur Helgadóttir: *Constitutional change without constitutional amendments*. Preseminar of the project Grunnloven mellom tolking og endring” [“Constitution between interpretation and amendment”]. University of Bergen, 12 March 2012.

Ragnildur Helgadóttir: *Trúfrelsi [Freedom of Religion]*. Open seminar of Freedom of Religion hosted by the Ministry of Interior as part of the seminar series on Development of Human Rights in Iceland.

Other relevant information

On maternity leave Aug. 10 to Dec. 31.

Member of RU's Research Council January until August.

Member of the School of Law's Research Council, January until August.

Large number of media interviews regarding various constitutional questions.

Sigurður Tómas Magnússon, Professor of the Practitice

Research output in Non-Peer-Reviewed Outlets

Scientific reports and reviews/evaluations/opinions

Sigurður Tómas Magnússon (Main author), Bryndís Kristjánsdóttir, og Valgerður Rún Benediktsdóttir: Report of the Working Group on Investigation and Prosecution in Economic crime cases. Prepared for the home office Jan-Okt 2012.

Invited Talks and Presentations

Title - Conferences

Cases concerning the banking collapse in Iceland. Lecture at the Conference of Nordic Proceedings, Uppsala, Sweden, august 2012

Other Research-Related Performance Work

Supervision of research projects by master's students

Reykjavík University: Supervisor for Master Student Helga Reynisdóttir (M.L. thesis)
Reykjavík University: Supervisor for Master Student Hulda Björg Jónsdóttir (M.L. thesis)
Reykjavík University: Supervisor for Master Student Margrét Kristín Pálsdóttir (M.L. thesis)
Reykjavík University: Supervisor for Master Student Stefán Sveinbjörnsson (M.L. thesis)

Participation and role in international research projects/program

A The outlooks of the Nordic dispute resolution - The future of civil litigation

Seminar series 2011 – 2012. Laura Ervo, University of Örebro Sverige- PI. Sigurður T. Magnússon, Reykjavík University, Iceland: Lectures: Tromsø April 2012; Is there a snake in an Icelandic paradise? The abuse of the “ideal” system. Copenhagen Oct. 2012; Between America and Europe - how the geographical situation affects the legal culture.

Organization of research conferences

A Member of the Program Committee for the Conference of Nordic Proceedings, Uppsala (Rånäs Slot) 2012

Member of qualification assessment committees (for promotions/ hiring)

President of a evaluation committee for the appointment of two academic position in Reykjavík University School of Law



Conference, Workshop and Seminar Presentations (Research-related)

Cases concerning the banking collapse in Iceland. Lecture at the Conference of Nordic Proceedings, Uppsala, Sweden, august 2012

Is there a snake in an Icelandic paradise? The abuse of the “ideal” system. The outlooks of the Nordic dispute resolution - The future of civil litigation. Seminar series Tromsø April 2012;

Other Relevant Information

Legal counselling: The Special Prosecutor in investigating the collapse of the Icelandic banks.

Svala Ólafsdóttir, Associate professor

Research output in Non-Peer-Reviewed Outlets

Other Non-Peer Reviewed publications

Svala Ísfeld Ólafsdóttir: *Hinn launhelgi glæpur*. Kynferðisbrot gegn börnum. (The secret crime. Sexual abuse of children.) Tímarit Háskólans í Reykjavík, 4. árg. Sept. 2012.

Svala Ísfeld Ólafsdóttir: *Kynferðisbrot gegn drengjum*. (Sexual abuse of young boys). Tímarit Háskólans í Reykjavík, 4. árg. Sept. 2012.

Media:

Sakhæfi og sakhæfisskortur. (Age of criminal responsibility). Fréttatíminn helgina 20. – 22. apríl bls. 34.

Mannorð mitt var hreint fram að þessu. (My reputation was clean until...) Fréttablaðið 8. mars 2012, bls. 18.

Kaup á vændi af barni. (Buying sex from children). Fréttablaðið 20. febrúar 2012, bls. 15.

Alvarleiki kynferðisbrota gegn börnum – er samræmi í löggjöfinni? (Sexual crimes against children. How serious is it?) Fréttablaðið 15. febrúar 2012, bls. 14.

Other Research-Related Performance Work

Supervision of research projects by master's students

Supervision of ML thesis (30 ECTS): Four students in the field of criminal law.

Supervision of research projects by undergraduate students

One student in the field of criminal law.

Referee work for scientific journals, books or conferences

Membership of the advisory committee of the periodical “Stjórnsmál og Stjórnsýsla” (‘Politics and Public Administration’) published by the Institute of Public Administration and Political Science of the University of Iceland.

Tímarit Lögréttu (Reviewing board)

Participation in research-related advisory/evaluation boards

Deputy member of the The National Bioethics Committee (Vísindasiðanefnd).

Member of the committee of the association “Réttindi barna” (‘Children’s Rights’) which is dedicated to protecting children of sexual abuse.

Member of a board of specialists of the Association on Children's Rights. The association is dedicated to the protection children against sexual abuse.

Organization of research conferences

Hinn launhelgi glæpur. Kynferðisbrot gegn börnum. (The secret crime. Sexual abuse of children).
Málþing í Háskólanum í Reykjavík 23. mars 2012 (skipuleggjandi).

Conference, Workshop and Seminar Presentation (Research-related)

Scientific lectures

Hinn launhelgi glæpur. Rannsókn á dómum Hæstaréttar í málum vegna kynferðisbrota gegn drengjum (*sexual abuse of boys*). Erindi á ráðstefnunni: „Birtingarmyndir ofbeldis. Afleiðingar og úrræði“, haldin á vegum Háskólans á Akureyri, Rannsóknarmiðstöðvar gegn ofbeldi og Jafnréttisstofu 11. maí 2012

Erindi á ráðstefnu um meðferð kynferðisbrota (*procedure of sexual crimes*) 20. janúar 2012. Ráðstefna á vegum Evrópuráðsins, Innanríkisráðuneytisins, lagadeildar HÍ og Rannsóknarstofnunar Ármanns Snævarr um fjölskyldumálefni. (Erindi flutt í málstofu sem bar heitið „Trúverðugleiki og sönnunarmat“).

Pórdís Ingadóttir LL.M., Associate professor

Research output in Peer-Reviewed outlets

Peer-reviewed book chapters

“The role of the International Court of Justice with respect to enforcement of states’ obligation to investigate and prosecute serious crimes at the national level”, in *Complementarity in practice: Crimes against humanity and the interaction between international and national courts* (eds. Yuval Shany, Thordis Ingadóttir, et al, OUP, forthcoming)

Research output in Non-Peer-Reviewed Outlets

Scientific reports and reviews/evaluations/opinions

Opinion on the Access to the International Court of Justice for a certain dispute, done for the Prime Minister’s Office, Ministry of Finance, Ministry of Foreign Affairs, and Ministry of Economic Affairs.

Talks and Presentations

Title – Conferences

Prevention of Genocide and Mass Atrocities, conference organized by the Madariaga – College of Europe Foundation and the Folke Bernadotte Academy, Brussels May 2011. Presentation on the latest developments and challenges in the prevention of genocide.

Other Research-Related Work

Editorial work for scientific journals or books

The Impact of International Courts on domestic proceedings in mass atrocity situations, Member of the Editorial Board, 2012.

The Reality of Modern International Criminal Justice, four volume publication, BRILL 2013, Member of the Editorial Board

Nordic Journal of International Law, Member of the Editorial Board (from 2006)

Participation in scientific advisory boards

See below, see also above on DOMAC and PICT

Other relevant information

Board of Directors, Landsbankinn.

Member of the Icelandic Council of the Judiciary, appointed by the Minister of Justice, 2009-2014