

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 485 (2022)¹ Monitoring of the application of the European Charter of Local Self-Government in Sweden

1. The Congress of Local and Regional Authorities of the Council of Europe (hereinafter “the Congress”) refers to:

a. Article 2, paragraph 1.*b.*, of the Charter of the Congress of Local and Regional Authorities of the Council of Europe, appended to Statutory Resolution CM/Res(2020)1 relating to the Congress, stipulating that one of the aims of the Congress is “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

b. Article 1, paragraph 2, of the Charter of the Congress of Local and Regional Authorities of the Council of Europe, appended to Statutory Resolution CM/Res(2020)1 relating to the Congress, stipulating that “[t]he Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe, and shall ensure the effective implementation of the principles of the European Charter of Local Self-Government”;

c. Chapter XVIII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;

d. the Sustainable Development Goals (SDGs) of the United Nations 2030 Agenda for Sustainable Development, in particular Goals 11 on sustainable cities and communities and 16 on peace, justice and strong institutions;

e. the Guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017;

f. Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, adopted on 21 March 2018;

g. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities’ activities, adopted on 4 April 2019;

h. the previous Congress recommendation on the monitoring of the application of the European Charter of Local Self-Government in Sweden (Recommendation 357 (2014));

i. the explanatory memorandum to the current recommendation on the monitoring of the application of the European

Charter of Local Self-Government in Sweden (Document CG(2022)43-12);

j. the contemporary commentary on the explanatory report to the European Charter of Local Self-Government (CG-FORUM(2020)02-05), adopted by the Congress Statutory Forum on 7 December 2020.

2. The Congress points out that:

a. Sweden joined the Council of Europe on 5 May 1949, signed the European Charter of Local Self-Government (ETS No. 122, hereinafter “the Charter”) on 4 October 1988 and ratified it with reservations on 29 August 1989. In accordance with Article 13 of the Charter, Sweden made a declaration that it intends to confine the scope of application to the following local and regional authorities: municipalities (Kommuner) and county councils (Landstings). The Charter entered into force in Sweden on 1 December 1989;

b. the Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (hereinafter referred to as Monitoring Committee) decided to examine the situation of local and regional democracy in Sweden in the light of the Charter. It instructed Harald Bergmann, Netherlands (L, ILDG), and Matija Kovac, Serbia (R, EPP/CCE), with the task of preparing and submitting to the Congress a report on the monitoring of the application of the Charter in Sweden;

c. the monitoring visit took place from 5 to 7 April 2022. During the visit, the Congress delegation met with representatives of various institutions at all levels of government. The detailed programme of the visit is appended to the explanatory memorandum;

d. the co-rapporteurs wish to thank the Permanent Representation of Sweden to the Council of Europe and all those whom they met during the visit.

3. The Congress notes with satisfaction that in Sweden:

a. local and regional authorities manage one of the highest shares of public affairs in Europe and enjoy one of the highest levels of financial autonomy;

b. the high levels of turnout in local and regional elections, as well as the comparatively high percentage of women in elected positions, reflect a high level of trust in democratic institutions;

c. the establishment in 2019 of fully-fledged regional authorities which have responsibility for regional development, increases clarity, as well as local democratic accountability, of the regional growth work;

d. the implementation of proportionality reviews and the practice of granting local and regional authorities a leeway of initiative make a formal introduction of the subsidiarity principle not necessary within the Swedish context.

4. The Congress expresses its concerns regarding the following issues:

a. in some cases, new obligations are imposed by the State on municipalities and regions without granting sufficient space for discretion (mainly due to detailed regulations);

1. Debated and adopted by the Congress on 26 October 2022, 2nd Sitting (see Document CG(2022)43-12, explanatory memorandum), co-rapporteurs: Harald BERGMANN, Netherlands (L, ILDG), and Matija KOVAC, Serbia (R, EPP/CCE).

b. a lack of systematic formal consultation procedures on all matters that concern subnational authorities, that would be in line with the requirements of the Charter and relevant Congress resolutions and recommendations;

c. there is a shift in the division of roles between national governance and local/regional authorities, at the cost of the latter, due to new rules and guidelines, methods and instruments of governance launched by the State;

d. the non-indexation of grants in times of rising inflation, climate and societal change.

5. In the light of the foregoing, the Congress requests that the Committee of Ministers invite the authorities of Sweden to:

a. grant local and regional authorities sufficient space for discretion, whenever new obligations are imposed on them;

b. establish formal consultation procedures that would include all matters of concern to subnational authorities and would match the requirements of the Charter;

c. refrain from bypassing local authorities through new methods and instruments of governance and policy implementation and, instead, find ways for their inclusion in these new governance and policy implementation arrangements;

d. introduce an detailed system of indexation for State grants, following appropriate consultation procedures.

6. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation on the monitoring of the application of the European Charter of Local Self-Government in Sweden and the accompanying explanatory memorandum in their activities relating to this member State.