



STRUCTURE AND OPERATION OF LOCAL AND REGIONAL DEMOCRACY

Sweden

Counties of Sweden



STRUCTURE AND OPERATION OF LOCAL AND REGIONAL DEMOCRACY

Sweden

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1. LEGAL BASIS

1.1. Constitutional provisions relating to local/regional authorities

Sweden has four laws of constitutional status. Among these, the Instrument of Government (1974) provides constitutional protection for regional and local authorities.

Chapter 1, Section 1 of this law reads: "All public power in Sweden derives from the people. Popular Government is based on the free formation of opinion and universal suffrage. It is implemented by a representative and parliamentary system of Government and by local government".

Chapter 1, Section 7 reads: "There are in Sweden primary units of local government (municipalities) and county councils. The right of decision in the municipalities and county councils is exercised by elected assemblies. The municipalities and county councils may raise tax for the performance of their duties".

1.2. Main legislative texts concerning local/regional authorities

The municipalities and county councils are governed by the Local Government Act of 1991. This Act is divided into ten chapters. Chapter 1 defines municipalities and county councils and lays down their respective jurisdictions. Chapter 2 deals with the powers of municipalities and county councils, chapter 3 with their organisation, chapter 4 with their elected representatives, chapter 5 with the municipal councils (the local equivalent of Parliament) and chapter 6 with the municipal executive boards (the local equivalent of Government) and local government committees. Chapter 7 deals with co-determination in bodies made up of interested parties and with respect to employees' representatives (joint bodies) and of so-called self-run bodies consisting of representatives of the persons using a specific facility or institution and the persons employed there. Chapter 8 deals with financial administration and chapter 9 with auditing. The concluding chapter 10 concerns the review of the legality of local government decisions.

2. STRUCTURE OF LOCAL/REGIONAL AUTHORITIES

2.1. Main subdivisions

Sweden is divided in counties, county councils and municipalities. The counties are primarily a central government administrative division at regional level. The county council regions generally coincide with the counties. There is, however, one municipality which is separate from the county councils (Gotland).

2.2. Statistical data

Local/regional authorities

Authorities	in 1950	today
Counties	24	21
County councils	25	20
Municipalities	2 281	290

a) **County (regional authorities, "län")**

County	Surface (km ²)	Population
Stockholm	6 490	1 872 900
Uppsala	6 989	302 564
Södermanland	6 060	261 070
Östergötland	10 562	415 990
Jönköping	9 943	329 297
Kronoberg	8 458	178 285
Kalmar	11 171	234 496
Gotland	3 140	57 661
Blekinge	2 941	150 335
Skåne	11 239	1 160 919
Halland	5 454	283 788
Västra Götaland	24 000	1 521 895
Värmland	17 586	273 547
Örebro	8 519	260 005
Västmanland	6 308	276 042
Dalarna	28 193	276 599
Gävleborg	18 191	244 195
Västernorrland	21 678	127 424
Jämtland	49 443	252 585
Västerbotten	55 401	256 875
Norrbottn	98 911	252 585
Total	410 938	9 011 392
Average	19 568	429 114

b) **County councils (local authorities, "landsting")**

The largest: Norrbotten 98 911 km²
 The smallest: Blekinge 2 941 km²
 The average: 20 520 km²

Largest population: Stockholm 1 872 900
 Smallest population: Jämtland 127 424
 Average population of county councils: 450 567

In Gotland there is no county council and its functions are exercised by the municipality of Gotland. Therefore only 20 county councils exist.

Number of county councils with a given population

Population	Number of county councils
< 1 000	0
1 000-5 000	0
5 000-10 000	0
10 000-50 000	0
50 000-100 000	0
100 000-500 000	17
> 500 000	3

c) Municipalities

The largest: Kiruna 19 447 km²
 The smallest: Sundbyberg 9 km²
 The average: 1 417 km²

Largest population: Stockholm 765 044
 Smallest population: Bjurholm 2 588
 Average population of municipalities: 31 073

Number of municipalities with a given population

Population	Number of municipalities
< 1 000	0
1 000-5 000	13
5 000-10 000	62
10 000-50 000	172
50 000-100 000	31
100 000-500 000	11
> 500 000	1

2.3. Regulations governing changes in structures

The Act Amending the Division of Sweden into Municipalities and County Councils (1979:11 reprinted as 1988:198) defines the boundaries of local and regional authorities. It contains provisions on principles and procedures in cases relating to the alteration of municipal boundaries.

Municipal boundaries can be altered by amalgamation or division of two or more municipalities or by incorporation of a part of a municipality into another. Such matters are decided by the Government, although cases of minor importance may be decided by the county administrative boards. Changes may take place if it can be presumed that they can lead to lasting or permanent advantages for a municipality or part of a municipality or other advantages from a general point of view. Special account shall be taken of the wishes and opinions of the municipality or municipalities concerned. If one of these municipalities rejects a change, it may only take place if there are extremely good reasons for doing so. The municipalities therefore have no veto. Special account must be taken of local opinion.

Changes in the boundaries of the county council are regulated in a similar way. There are however some differences. The most important one is that the government does not have to take particular account of the opinion of the county council or the local inhabitants.

Boundaries can also be changed as a result of land parcelling in the borderland between two municipalities. This procedure is laid down in the legislation on land parcelling.

It is possible to arrange a local referendum on the issue of changing a structure/border. The procedure for calling a referendum is laid down in the Local Government Act and in a special procedure act called The Municipal Referenda Act (1994:692). Referenda are only consultative at local level. It is also possible to use less formal ways of consultation such as opinion polls or similar procedures (Local Government Act, Chapter 5 Section 34). The local authorities concerned are heard and their opinions are taken into account as part of the legal processing of the issue.

2.4. General units of state administration at local/regional level and their relationship to local/regional authorities

The county administrative boards act on behalf of central government at regional level. Their highest decision-making body is an executive committee appointed by the Government.

The duties of an administrative authority cover a broad spectrum. They include the processing of a wide range of so-called general administrative matters, such as permits, registrations and allocation of EU funds and other grants. The county administrative boards exercise supervision over the municipalities. These are activities aimed at ensuring compliance with regulations in areas such as environmental protection and social services.

Another role of the county administrative boards derives from the fact that not all government agencies have regional departments. Where such departments do not exist, the county administrative boards perform the functions of the agencies in the respective counties.

It is particularly important for the county administrative board to be able to co-ordinate multiple functions in view of the wide diversity of government commitments and activities. The county administrative boards are entrusted with paramount responsibility for co-ordinating activities at county level. They command a strategic view of relations between bodies at local, regional and central levels and can therefore act as a connecting link between central and local authorities.

County administrative boards are also responsible for ensuring that the county's development proceeds in such a way as to facilitate the achievement of national goals while taking account of specific regional conditions and requirements. This task calls for continual dialogue with other government agencies, the county's local authorities, county councils and other organisations.

There are also some Government bodies at local level, e.g. the public employment services.

Figure 2: The levels of Swedish public administration

	The State		County councils		Municipalities	
National level	The Cabinet	State agencies	County council	Executive and other committees	Municipal council	Executive and other committees
	Ministries	Regional branches				
Regional level	County administrative boards			Administrative offices Programmes		Administrative offices Programmes
Municipal level		Administrative offices/programmes		Administrative offices/programmes		

Source: "Swedish Local Government Traditions and Reforms".
Häggroth, Kronvall, Riberdahl, Rudebeck

3. ORGANS OF EACH CATEGORY OF LOCAL OR REGIONAL AUTHORITIES

3.1. Deliberative body

3.1.1. Title

- Municipal assembly;
- County council assembly.

3.1.2. Composition

They consist only of representatives elected in local elections.

Chapter 5, Section 1 of the Local Government Act prescribes the number of members in the assembly. The lowest prescribed number of members is linked to the number of residents entitled to vote in the municipality or the county council.

There should be an odd number of members of the assembly and not less than the following:

31 members in municipalities with 12 000 or less residents entitled to vote and in county councils with 140 000 or less residents entitled to vote;

41 members in municipalities with more than 12 000 and up to 24 000 residents entitled to vote;

51 members in municipalities with more than 24 000 and up to 36 000 residents entitled to vote, and in county councils with more than 140 000 and up to 200 000 residents entitled to vote;

61 members in municipalities with more than 36 000 residents entitled to vote, and

71 members in county councils with more than 200 000 residents entitled to vote.

In the Municipality of Stockholm and in county councils with more than 300 000 residents entitled to vote, however, the number of members shall be set at not less than 101.

3.1.3. Method of election

The members of the assemblies are elected in local elections on the same day every four years (the third Sunday in September) in conjunction with the parliamentary elections. The term of office starts on 1 November of the election year.

The persons entitled to vote, may vote for the different parties participating in the elections. The seats in the assembly are proportionally divided between the parties according to the votes. It is possible to deliver a vote based on personality. If five per cent or more of the voters choose a candidate, this person should be elected.

3.2. Executive body

3.2.1. Title

- Municipal executive board;
- County council executive board.

3.2.2. Composition

The executive boards are appointed by the assemblies.

3.2.3. Method of election or appointment

The members of the executive board are elected by the assembly among persons who are entitled to vote and to stand as candidates in the general election. Subject to conditions set out in Section 2 of the Proportional Representation Act (1992: 339) election is proportional unless the political parties agree otherwise. It is very common for the parties to agree on the distribution of seats.

3.3. Political head of the local/regional authority

The head of the municipality is the chairperson of the municipal executive board, while the county council equivalent is the chairperson of the county council executive board.

The chairperson of these respective boards has only limited decision-making power. Most decisions are taken collectively by the boards.

The chairperson of the municipal executive board is appointed by the municipal council, and the chairperson of the county council executive board is appointed by the county council.

The chairpersons do not exercise functions on behalf of the State.

3.4. Head of the administration

3.4.1. Title

The leading official is called *kommundirektör*, *kanslichef* or *kommunchef*.

3.4.2. Nature of the function and relationship to the deliberative body

The head of administration manages the staff and has overall responsibility for coordinating the whole administration of the municipality. He/she has no special relationship to the deliberative body.

Each committee is responsible for its own administration and this task is the responsibility of the *förvaltningschef*.

3.4.3. Method of appointment

The leading official and the chief of the committee for administration are not elected. They are appointed as any other salaried employee.

3.5. Division of powers and responsibilities between the different organs of the local or regional authority

In the county councils, the county council assembly is the decision-making body, while the executive body is the county executive board. There are also a number of committees with some executive functions.

The municipal structure is basically the same: the decision-making body is the municipal council, while the executive body is the municipal executive board. Here too there are various committees which draft proposals prior to decisions by the municipal council and perform other business in their various spheres. They also have decision-making powers in some cases.

3.5.1. Council duties

The assembly decides matters involving questions of principle or otherwise of major importance to the municipality or county council, especially:

1. objectives and guidelines for activities,
2. budget, taxation and other important financial questions,
3. the organisation and procedures of committees,
4. the election of committees and drafting committees,
5. the election of auditors and their substitutes,
6. the basis of financial benefits for elected representatives, and
7. the annual report and discharge from liability.

The assembly may entrust a committee with the task of deciding a certain matter or group of matters in the council's stead. Matters indicated above or required by law or statutory instrument to be decided by the council may not, however, be delegated to the committees.

3.5.2. Committee duties

The committees decide questions of management and questions which they are required by law or statutory instrument to take charge of.

The committees also decide questions delegated to them by the assembly.

The committees prepare business for the assembly and are responsible for giving effect to the council's decisions.

The committees shall report to the assembly on measures they have taken to give effect to tasks entrusted to them by the assembly.

3.6. Legal provisions concerning the internal structure of local/regional authorities

Provisions governing the activities of the municipalities and county councils are contained in the Local Government Act. According to these provisions, it is compulsory for municipalities and county councils to have a decision-making body (assembly) and an executive board (municipal and county council executive board), and a board for extraordinary crisis (i.e. natural disasters). The assembly is free to appoint the committees or boards necessary for the management and running of the duties. The Act also covers the appointment and election of auditors.

4. DIRECT CITIZEN PARTICIPATION IN DECISION-MAKING

4.1. Local/regional referendums

The municipal and county council executive boards can, at the preparatory stage, decide to put a matter to a referendum. A matter concerning the holding of a referendum on a particular issue may also be raised in the assembly by at least five per cent of the members of the municipality or county council who are entitled to vote. The initiative shall be in writing, shall indicate the question concerned and shall contain the personal signatures of the initiators, clarifications of their signatures and their addresses.

Municipal referendums are only consultative.

4.2. Other forms of direct participation

The county council and the municipal council may decide that a committee may commission a self-managing body to manage a particular facility or institution.

Municipalities and county councils can determine to give members of the municipality or the county a right to raise proposals in the assembly ("citizen's proposal").

5. STATUS OF LOCAL ELECTED REPRESENTATIVES

5.1. Conditions for standing in local elections

A prospective candidate must be of Swedish nationality, or from a country in the European Union, or have been permanently resident in the country for the three years preceding the election. The minimum age is 18 and residence in the local authority in which the candidate is standing is necessary.

The term of office is four years.

A person employed by a municipality or county council as the leading official is not eligible. Similarly, a person in charge of an administration belonging to the sphere of activities of a committee may not be elected a member or alternate of that committee.

On the other hand, an elected representative can hold office in the assembly and in one or several committees simultaneously within the municipality or the county council. It is also possible for a person to hold elective office in a municipality and a county council at the same time.

Municipalities and county councils may give financial grants and other support (party support) to the political parties represented on the municipal or county council assembly. The assembly shall decide the scope and forms of party support. The parties are free to use this support for any local political activity. The use of the support is not regulated.

5.2. Duties and responsibilities of local elected representatives

An elected representative must take part in decision-making in the authority in which he is elected. Only in exceptional circumstances are elected representatives not personally liable.

They are not required to declare their personal and/or financial interest.

A representative may be tried in the case of dishonesty in the course of his duties. He may be dismissed only as a result of a judicial conviction for a serious criminal offence. If discharge from liability is refused, the assembly may decide to sue for damages.

Concerning the conditions governing resignation, the assembly shall relieve an elected representative of his mandate when the elected representative wishes to resign, unless there are special reasons to the contrary.

There are no limitations concerning the duties or activities that an elected representative may exercise after the end of his term of office. No aid is provided to assist the vocational reintegration of elected representatives who are not re-elected.

5.3. Elected representatives' working conditions

There is a national legislative framework governing working conditions which allows for local variations. There are no indicators of current interest of the number of working hours such an office involves. However, an increasing number of resignations have been recorded, on account of the difficulty of reconciling one's occupation, family life and political office. Meetings take place either in the evenings or during the day. More and more meetings are held during the day. Elected representatives with special responsibilities or functions are provided with offices and secretarial services. In addition, a subsidy is paid to the parties represented so that they may finance their own secretarial services.

There is a trend towards fewer representatives in local politics. The number of public functions at local and regional level went down from 68 474 in 1999 to 66 612 in 2003 mainly because the number of committees have decreased. There is also a trend towards fewer representatives having more public functions. In 1995 each representative in the municipalities belonged on average to 1.4 committees. In 2003 that figure had increased to 1.58. Educational activities are arranged both by the political parties for their members and by the municipality or county council. Educational activities can be courses, lectures or other special information activities. The need for educational activities varies a lot from municipality to municipality and from one term of office to another. The number of newly elected representatives in proportion to more experienced representatives differs.

Documentation is provided on the workings of local authorities and the duties and responsibilities of elected representatives.

Local elected representatives may take leave from their regular occupation as the performance of their mandate requires. Such leave of absence shall include time required for meetings of the local government bodies, or other meetings that are necessary in the course of their duties. It also includes travel to and from meetings and requisite daily rest periods immediately before and after meetings.

Elected representatives are entitled to reasonable compensation for the earnings and the pension and holiday benefits which they lose when discharging their mandates. Elected representatives with disabilities are entitled to reasonable compensation for travel expenses incurred in the course of their duties. Elected representatives with children who need care are entitled to reasonable compensation for childcare expenses incurred while they are performing their duties. This does not apply, however, to elected representatives who discharge their mandates full time or for a considerable proportion of full time.

The assembly may also decide that elected representatives receive compensation for travel expenses and other expenses occasioned by their mandate, remuneration for the work which their mandate entails, a pension and other financial benefits, to a reasonable extent. In the event of the assembly deciding that remuneration be paid, this shall be set at equal amounts for equal mandates. This, however, does not apply to elected representatives who discharge their mandates full time or for a considerable proportion of full time.

Local authorities are also entitled to provide financial support for parties represented on the elected bodies. These subsidies shall generally be paid with part of the sum as a basic support to all the parties represented in a local assembly, and part in relation to the number of seats they hold.

Compensation for expenses is tax-free. On the contrary, their remuneration is considered as income and income tax must be paid. The contribution for health insurance and retirement pension is calculated on total income. The size of the contribution or pension is dependent on income, i.e. the higher the income, the bigger the contribution or pension.

5.4. Representation of the sexes in the local authorities

Men are, generally speaking, still in the majority among the representatives.

The situation for elected women in the municipalities can generally be described as follows:

- 41% of the locally elected representatives are women;
- 30% of the chairs of a committee are women;
- women are better represented in committees responsible for childcare, schools and social welfare than in other committees;
- women are also better represented in big and major cities and suburbs compared to other municipalities.

The number of women in the assemblies varies a great deal among the municipalities. It differs from 28% to 52% of the representatives.

The situation is somewhat different in the county councils, even though there are still more men than women in the assemblies and the committees. Generally speaking, the situation can be described as follows:

- 49% of the representatives in the assembly are women;
- 44% of the chairpersons of a committee are women.

6. DISTRIBUTION OF POWERS BETWEEN THE VARIOUS CATEGORIES OF LOCAL AND REGIONAL AUTHORITIES

6.1. General principles

For many years local authorities in Sweden have had wide-ranging autonomy. It is stipulated in Chapter 1, section 1 of the Instrument of Government that the municipalities and county councils have a special independent position in their relationship to the State as they fulfil their tasks on the basis of the principle of local self-government. The principle of local self-government is nowadays also stipulated in Chapter 2, section 1 of the Local Government Act under the heading General Powers.

Municipalities and county councils have a general right to decide on matters of public interest which concern the areas over which they have jurisdiction and the people in those areas. The authority to get involved in these matters is in fact determined by case law.

The powers of the municipalities are laid down either in the Local Government Act or in special laws, i.e. provisions relating to municipal responsibilities in education, the social services, the environment etc.

6.2. Participation of local/regional authorities in national economic and spatial planning

There is a continuous dialogue between the Government and the Swedish Association of Local Authorities and County Councils about issues concerning the municipal economy.

Function	Competent authority			Type of competence				Exercise of the competence				Remarks
	State	Intermediate*	Municipality***	Exclusive	Shared	Compulsory	Discretionary	Direct	Indirect	In own right	For another authority	
General administration												
Security, police	•			•		•		•		•		A
Fire protection			•	•		•		•		•		A
Civil protection	•		C •		•	•		•		•		A 1
Justice	•			•		•		•		•		A
Civil status register	•					•		•		•		A
Statistical office	•		C •		•	•	•	•		•		A 2
Electoral register	•			•		•		•		•		A
Education**												
Pre-school education			•	•		•		•		•		A
Primary education			•	•		•		•				A
Secondary education			•	•		•		•		•		A
Vocational and technical			•									A
Higher education	•					•		•		•		A
Adult education			•		•		•	•		•		A
Other												
Public Health												4
Hospitals			C •	•		•		•		•		A
Health protection	•		C •		•	•		•		•		A

(*) where several intermediate levels exist the competent local government is indicated

(**) in case there are any remarks see last page in this country's table

(***) the type of local government includes: county councils (C) and municipalities (•)

Function	Competent authority			Type of competence					Exercise of the competence				Remarks
	State	Intermediate*	Municipality***	Exclusive	Shared	Compulsory	Discretionary	Direct	Indirect	In own right	For another authority		
Social Welfare													
Kindergarten and nursery			•	•		•		•		•			A
Family welfare services			•	•		•		•		•			A
Welfare homes			•	•		•		•		•			A.5
Social Security	•			•		•		•		•			A
Other													
Housing and town planning													
Housing			•				•						A
Town planning			•	•		•		•		•			A
Regional/spatial planning	•		C •		•	•		•		•			A
Environment, public sanitation													
Water & sewage			•	•		•		•		•			A.6
Refuse collection & disposal			•	•		•		•		•			A
Cemeteries & crematoria													A
Slaughterhouses													A
Environmental protection	•		•		•	•		•		•			A
Consumer protection	•		•		•	•		•		•			A.7
Culture, leisure & sports													8
Theatres & concerts	•		C •		•		•	•		•			B
Museums & libraries	•		C •		•		•	•		•			B.9
Parks & open spaces			•	•		•		•		•			B
Sports & leisure			•				•	•		•			B

(*) where several intermediate levels exist the competent local government is indicated

(**) in case there are any remarks see last page in this country's table

(***) the type of local government includes: county councils (C) and municipalities (•)

Function	Competent authority			Type of competence					Exercise of the competence				Remarks ***	
	State	Intermediate*	Municipality***	Exclusive	Shared	Compulsory	Discretionary	Direct	Indirect	In own right	For another authority			
Religious facilities	•					•								A
Other cultural facilities	•			•		•		•		•				
Traffic, transport**														A
Roads														
Transport	•		C •		•	•		•		•				A 1
Urban road transport	•			•		•		•		•				A
Urban rail transport	•					•		•		•				A
Ports	•		C •		•	•	•	•		•				A 2
Airports	•			•		•		•		•				A
Other traffic & transport														
Economic services														
Gas			•	•		•		•		•				A
District heating			•	•		•		•						A
Water supply			•	•		•		•		•				A
Agriculture, forests, fishing			•											A
Electricity	•					•		•		•				A
Economic promotion			•		•		•	•		•				A
Trade & industry														
Tourism														
Other economic services														
Other functions														4

(*) where several intermediate levels exist the competent local government is indicated

(**) in case there are any remarks see last page in this country's table

(***) the type of local government includes: county councils (C) and municipalities (•)

REMARKS

- A. Legislation/ordinances.
- B. Unregulated.
- 1. The responsibility for civil defence/protection is divided between the State and the municipalities and the county councils. Each municipality has independent responsibility with regard to civil defence under the supervision and coordination of the county administrative board in the county concerned. The National Rescue Services Board has supreme responsibility in this field.
- 2. The Statistical office is compulsory for the State but discretionary for the county councils and municipalities.
- 3. Higher education is primarily within the State's competence. County councils are responsible for some nursery schools.
- 4. As regards the health services, the county councils are responsible for hospitals, while the municipalities are responsible for convalescent homes and long-term care.
- 5. Many municipalities are owners of local authority housing corporations on a discretionary basis.
- 6. If, due to health protection issues, there is a need to establish a public water supply, it is the responsibility of the municipality to see that this is done properly.
- 7. Consumer protection is compulsory for the State but discretionary for the municipalities.
- 8. In cultural matters the municipalities themselves decide on policy and implementation.
- 9. Some museums are under government management (the Central Board of National Antiquities). The county councils are responsible for regional museums and theatres

7. CO-OPERATION AND OTHER TYPES OF LINKAGE BETWEEN LOCAL/REGIONAL AUTHORITIES

7.1. Institutionalised co-operation (consortia) for the performance of tasks of common interest

7.1.1. Legal framework

Chapter 3, Section 16 of the Local Government Act stipulates that municipalities and county councils are free to transfer the management of a local government concern, where there is no special organisational procedure, to a limited company, a trading partnership, an incorporated association, a non-profit association, a foundation or a private individual. It is not possible to transfer exercise of authority.

Municipalities and county councils are also free to set up and join local/regional federations of local authorities, which have the status of public authorities. It is possible for these federations to handle exactly the same kind of issues that a municipality or a county council is entitled to or obliged by law to handle. This includes exercise of authority. These federations are regulated by the Local Government Act.

7.1.2. Nature of consortia or joint authorities

The municipal enterprises or federations of local authorities are voluntary and can be established to handle one or several issues.

Enterprises are established in several fields. The majority of them are limited companies. Many of them are found in technical fields such as housing, water and electricity.

Examples of local authority federations are found in the fields of upper secondary education, emergency and rescue services.

7.1.3. Organisational forms

As mentioned, the municipalities and county councils are allowed to establish limited companies, trading partnerships, incorporated associations, non-profit associations, foundations or federations.

The relationship between the members of the enterprises is the same as the relationship between owners of private enterprises. Municipal enterprises have to follow the ordinary regulations on associations.

The federations are regulated by law, particularly the financial aspects. Nevertheless, local authorities enjoy quite a wide freedom to decide for themselves on the details concerning their co-operation.

Municipalities and county councils are free to a certain degree to conclude co-operation agreements without establishing formal enterprises or federations. This is as a general rule possible in all fields except formal decision-making.

Nevertheless, one has to bear in mind the regulation on public procurement. This regulation is in some fields an obstacle to concluding agreements without fulfilling a public procurement procedure beforehand.

7.2. Legislative provisions concerning associations of local authorities at national or regional level and their relationship with government authorities

There are no special regulations on this. Municipal enterprises do not have a special position compared to private enterprises as far as the relationship with government authorities is concerned. The same goes for the federations.

7.3. Co-operation between local/regional authorities in different countries

There are no specific regulations stipulating the right of Swedish municipalities to co-operate with municipalities outside the country. In fact, since 1977, Sweden and the Nordic countries have allowed local authorities to co-operate with their opposite numbers in other countries, provided that there are no legal obstacles as regards these authorities' powers.

National legislation can create certain obstacles for international co-operation as well as co-operation between municipalities within the country, as far as some decision-making powers are concerned. A municipality cannot, for example, delegate decision-making powers on the exercise of authority to another authority or legal person.

Swedish local authorities are not subject to any restrictions on membership of international associations.

8. FINANCE

8.1. Taxes

Local authorities' "own tax", i.e.: in which no other authorities have a share, is the local income tax which provides about 70% of municipal and county council revenue (National Accounts: 2004). This tax is collected by central government agencies and subsequently transferred to local authorities.

Local authorities are not entitled to introduce new types of tax without legislative authorisation. Furthermore, no taxes are levied in addition to state taxes.

8.2. Grants from higher authorities

Grants from higher authorities are mainly the state grants which make up about 15-20% of municipal and county council revenue.

Central government grants are divided into general grants (block grants) and grants directed to specific activities (earmarked grants). For earmarked grants the criteria are various temporary needs such as compensation for the reception of refugees in the communities, compensation for medical subsidies to households, etc.

The amount of central government grants is decided each year by the Parliament (Riksdag). Changes in the system of government grants can only be made by the Parliament.

8.3. Financial equalisation

The municipalities and the county councils are responsible for activities that have a very important bearing on the creation of equivalent living conditions for the entire population. There are differences in the economic circumstances of individual municipalities and county councils as regards for example tax bases and structural conditions. The governing principle of an equalisation system is for the equalisation to ensure that all municipalities and county councils will be able to operate on equivalent financial terms. The system must also be designed so as to be stable and tenable in the long term, as regards both equalisation effects and funding.

Significant changes have been made in the equalisation system in 2005. The purpose of the equalisation system is however the same. The new equalisation system consists of five segments: revenue equalisation, equalisation for spending needs (cost equalisation), a structural grant, a transitional grant and a per capita "regulation" grant or fee.

The revenue equalisation has been changed from a horizontal equalisation to a mainly vertical equalisation, although still with a small horizontal component. Municipalities with a per capita tax base below 115% and county councils with a per capita tax base below 110% of the national average receive a revenue equalisation grant. Those with a per capita tax base above these levels have to pay a revenue equalisation fee to the central government. Since this fee only covers a small proportion of the revenue equalisation grant, the central government has to finance the main part of it, and is using the former general grant and to some extent previously earmarked grants for this purpose.

The equalisation for spending needs or cost equalisation is maintained as a horizontal equalisation system, although some changes have been made. The cost equalisation is intended to equalise for costs relating to structural needs and cost differences due, for example, to differences in the age distribution of the population or to the fact that additional costs are incurred due to long distances in the local authorities concerned.

Some of the components in the cost equalisation system have been removed from the horizontal equalisation scheme. Instead, a new structural grant has been introduced, financed by the central government. This grant covers, for example, costs for the promotion of business and employment and costs related to low population density.

A transitional grant is aimed at offsetting the income loss of some local authorities due to changes in the equalisation system. The transitional grant will gradually be phased out from 2005 to 2010.

The per capita "regulation" fee is calculated as the residual between the appropriations made by the Parliament and the net of the equalisation grants and fees, the structural grant and the transitional grant to the municipalities and county councils respectively. If the residual has a positive sign it is defined as a per capita "regulation" grant.

8.4. Other sources of income

Other sources of income include: fees and charges paid by users of local/regional authority services; rents from local and regional authorities property and interests on capital.

It should be noted that in order to increase their income, municipalities and county councils can also sell real estate and property.

8.5. Borrowing

There are no restrictions on where or from whom local authorities may borrow. They may even borrow abroad. More over, no authorisation is required. Central government is not a source of borrowing.

8.6. Economic control by the higher authorities

Direct economic control is not exercised by higher authorities. The Local Government Act contains general provisions concerning responsible financial management by local and regional authorities. However, central government does follow the economic development in the local authorities, but not for the purposes of controlling and correcting any mistakes or unsatisfactory conditions in an individual municipality or county council.

Local finances are included in national financial and economic planning. The main reason for this is that local finances represent an important part of the total public economy and, as a result of that, of the GDP. Local government expenditure in 2004 equalled some 23% of GDP. There are several linkages between the national economy and the local economy. One is the central government grants, their justification, their amount, etc.

Central government can control the local authorities indirectly through the level of grants. It is possible for Parliament to place restrictions on local authorities' margin of decision concerning the level of local income tax. This occurred in 1991-1993 and in 1997-1999. Fees and charges may not be levied on certain public services without approval by law. A balanced budget requirement was introduced in 2000. This is stipulated in the Local Government Act, but there are no sanctions imposed on local governments if the balanced budget requirement is not fulfilled.

9. CONTROLS OVER LOCAL/REGIONAL AUTHORITIES

9.1. General principles

The State establishes the basis on which the municipal sector is organised and decides on the different tasks to be performed. At the same time, the State has an interest in controlling how the duties are carried out. There are two main aspects of state control. On the one hand, it is essential for the State to verify that municipalities and county councils do fulfil their obligations as provided by law. On the other hand, it is essential that the state control does not distort the meaning of the principle of local self-government even though the local autonomy can never be absolute, as the municipalities are not equivalent to independent states. The state control is, for this reason, always a matter of balance between these aspects.

State control may be legal, financial or political. The State can use various instruments of direct or indirect control by way of legislation or by giving powers to state authorities – i.e. courts, central and regional government agencies or Central Government Ombudsmen. The purpose of the measures taken by the State is to obstruct wrong or illegal/unlawful municipal decisions, and their effectiveness varies. In some cases the sanction against illegality is the risk of losing state grants or being subject to special supervision from central government agencies. Even if it is not a direct legal control, earmarked state grants and the regulations steering such grants can be a very important way for the State to control the use of financial resources at local level in order to make sure that the municipalities fulfil central government policy.

Judicial control is never an *ex officio* proceeding but is only undertaken following a complaint over application or execution of a municipal decision. In this respect the State depends on actions taken by the citizens for controlling the activity in question. Thus, the judicial control is at the same time a remedy for the citizens and a way for the State to control the local authorities. All members of a municipality or a county council are entitled to make appeals against municipal decisions. This is a very important characteristic of Swedish local self-government. This kind of appeal is regarded as a democratic instrument by which residents can have the legality of a municipal decision checked by the administrative courts. Appeals are of greatest importance when they deal with the voluntary sphere. For example the limits of local government authority. This is determined by case law instead of using detailed regulations. In practice certain principles have gradually evolved which limits the local government sphere of authority. Most of these principles, which the administrative courts have turned into customary practice, have now been enshrined in the Local Government Act.

State control is also performed by a number of *central government agencies* such as the National Board of Health and Welfare, the National Education Agency, the county administrative boards, the Parliamentary Ombudsmen and the Chancellor of Justice. These agencies carry out an *administrative control*. Some of these agencies are by law enjoined to make special allowances for the right of local self-government when carrying out such control. The agencies often have the right to take measures on *ex officio control* and not only upon request.

In the past, some municipal decisions had to be submitted and approved by a state authority, most often the state county administrative board. This kind of state control was prescribed for municipal decisions on, for example, raising loans and local regulations.

9.2. Administrative control

Municipal activities are supervised by a number of State authorities Their ways of dealing with incorrectness differ. Some of them can insist upon or force corrections and even impose fines, some mainly use the possibility of informing Central Government of discords and others can bring issues to court.

The power and authorisation to supervise and the ways of supervising municipal activities is governed by special acts or ordinances. Such authorisation is found, for example, in the acts concerning the Instructions for the Parliamentary Commissioners for the Judiciary and Civil Administrations (The Parliamentary Ombudsmen, 1986:765), and the act on the Supervision of the Chancellor of Justice (1975:1339) and the ordinances concerning the Instruction for the Chancellor of Justice (1975:1345), the Instruction for the National Board of Health and Welfare (1988:1236), the Instruction for the National Education Agency (1991:1121) and the Instruction for the Data Inspection Board (1988:912).

Administrative control is performed by the following:

- *The Parliamentary Ombudsmen*, competent to verify whether a local authority's action infringes civil rights.
- *The Chancellor of Justice*, with special supervisory tasks in the field of freedom of press and freedom of speech as laid down by the Constitution and the Act of Automatic Data Processing.
- *State county administrative boards*, competent for ensuring that municipalities fulfil their obligations as laid down in special acts regulating the compulsory sector.
- *The National Education Agency*, responsible for the supervision of municipalities' fulfilment of national goals in the field of education as decided by National Parliament and stated by laws, ordinances, curricula and syllabus.
- *The National Board of Health and Welfare*, responsible for the fulfilment of national goals on social policy (including social welfare, health service, medical treatment and dental service) at local level with some scope for local adoption.
- *The National Data Inspection Board*, responsible for issues concerning automatic data processing.

9.3. Judicial control

Most decisions made by municipalities and county councils can be the subject of judicial review. The appeal is either in the hands of an administrative court, a civil court or a special court of law. The decisions that can be the subject of judicial control are specified in the Local Government Act and in a huge range of special acts.

The various types of courts have dissimilar powers to treat a municipal decision. If only the legality is examined, the court is only competent to repeal that decision, not to substitute it. On the contrary, if suitability is also examined, the court is entitled to substitute the decision with another decision. In some cases, for example, actions for the recovery of damages, the court can reduce the claimed amount to what a party can in fact prove to be the extent of the damage in question. Sometimes the courts can impose fines during the procedure to meet disobedience from a party. Under special circumstances the courts also have the right to use the possibility to temporarily cancel the execution of a municipal decision. In some particular cases a municipality can be judged to pay a fee when they have failed to put a court decision into effect in due time.

The municipalities and the county councils have the same right as any party appearing in court to appeal against a court decision. Appeals against decisions of the administrative courts are possible before the county administrative court, administrative court of appeal and the Supreme Administrative Court. Appeals against decisions of civil courts are possible before the district court, court of appeal and the Supreme Court.

One problem during the last few decades is that some municipalities and county councils have defied court decisions. To prevent malfeasance, the local auditors have been given increased rights to monitor the municipalities' and county councils' exercise of public authority. In some policy areas the courts can impose economic sanctions on the municipalities and county councils if they fail to enforce court decisions.

Judicial bodies competent for judicial control are:

a) Administrative courts

Administrative courts examine either only the legality (assessment of legality) or both the legality and the suitability of a decision (administrative procedure, civil case procedure). The decisions that can be the subject of legal control by an administrative court are detailed in Chapter 10 of the Local Government Act. Decisions that can be the subject of control of the suitability and/or the legality in the administrative courts are all defined in special law.

b) Civil courts

The jurisdiction of civil courts is wide, in the sense that a huge range of subjects of contention where the municipality is involved can be put forward to the court, as the municipalities and county councils can be considered not only as public authorities, but also as subjects of private law, i.e. contracting parties or owners of property. In this connection, municipalities can come before courts as individual parties just like any private entity or person. Actions for the recovery of damages are treated as civil cases.

c) Special courts of law

The special courts of law manage special legal problems laid down in law in conformity with specific procedures.

Finally, it should be noted that there is no constitutional court in Sweden. Courts have the right to not apply acts that they find are contrary to the Constitution.

10. REMEDIES FOR INDIVIDUALS AGAINST DECISIONS OF LOCAL/REGIONAL AUTHORITIES

Appeals against a decision made by a municipality can only be made by a member of the municipality, i.e. an individual who is registered there, owns real property there or pays local tax there. Higher courts can review the legality of the decision in question. Following such a review, a decision can be declared erroneous if it is not made in accordance with the due process of law, if it does not relate to matters over which the municipality has jurisdiction, if the body responsible for the decision does not have the authority to make such a decision, or if the decision is contrary to laws or regulations. If the decision is declared erroneous it is cancelled, but not changed.

Appeals against administrative decisions can only be made by an interested party if the decision goes against him. The legality of the decision is revised, and if it is found erroneous it is cancelled and changed.

Appeals against both decisions by municipalities and administrative decisions are lodged with an administrative court of appeal. If an appeal in an administrative case is dismissed, an appeal can be made to the Supreme Administrative Court.

11. LOCAL/REGIONAL ADMINISTRATIVE PERSONNEL

In Sweden, staff are not assigned to different categories in Swedish public administration.

The municipalities and the county councils are, in this respect, completely independent from the Government in deciding the administrative and financial status of their staff and their recruitment. The conditions of service are not linked then to those of the national civil service.

The number of employees in the public sector as a whole (government, municipalities, county councils) is about 1.2 million. About 26% of them are employed in the public health services, 22% in the social welfare services and 18% in education.

State	234 000
Municipalities	760 000
County council	250 000

12. REFORMS ENVISAGED OR IN PROGRESS

A governmental committee has been appointed to examine the responsibilities between central, regional and local government in Sweden. The committee will analyse the present system, taking into account economic and demographic changes and increasing internationalisation which will affect the ways in which municipalities and county councils can deliver social welfare.

Sweden has, for some time, been working to improve the conditions for cross-border co-operation. Current Swedish legislation allows municipalities and county councils the right to co-operate with corresponding levels in other countries through different bodies governed by private law. In areas of public law there are no such possibilities. Co-operation between the municipalities of Haparanda and Torneå on the border between Sweden and Finland is quite far-reaching and extensive. These two municipalities wish to further expand this co-operation. The Swedish government will, in the near future, appoint an inquiry with a commission to solve the difficulties that such cross-border co-operation creates.