

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 357 (2014)¹ Local and regional democracy in Sweden

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. Article 2.1.b of Statutory Resolution CM/RES(2011)2 of the Committee of Ministers relating to the Congress of Local and Regional Authorities of the Council of Europe, which provides that one of the aims of the Congress shall be “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

b. Article 2.3 of the aforementioned Statutory Resolution CM/RES(2011)2, stipulating that “The 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, in particular, that the principles of the European Charter of Local Self-Government are implemented”;

c. its Resolution 299 (2010) on Follow-up by the Congress of the Council of Europe Conference of Ministers responsible for Local and Regional Government (Utrecht, Netherlands, 16-17 November 2009), which provides that the Congress will use the Council of Europe Reference Framework for Regional Democracy in its monitoring activities, as well as the reply given by the Committee of Ministers to Congress Recommendation 282 (2010) (CM/Cong (2011) Rec 282 final) encouraging the governments of member States to take account of the aforementioned Reference Framework in their policies and reforms;

d. the explanatory memorandum on local and regional democracy in Sweden.

2. The Congress makes reference to the fact that:

a. Sweden signed the European Charter of Local Self-Government (ETS No. 122) on 4 October 1988 and ratified it on 29 August 1989 with a declaration that it intends to confine the scope of application to the following local and regional authorities: municipalities (*Kommuner*) and county councils (*Landstings*);

b. Sweden signed and ratified the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207) on 5 May 2010 with entry into force in respect of Sweden on 1 June 2012;

c. the Monitoring Committee instructed Luzette Wagenaar-Kroon and Gudrun Mosler-Törnström to prepare and submit

to the Congress, as rapporteurs, the report on local and regional democracy in Sweden;

d. the Congress delegation carried out a monitoring visit to Sweden from 23 to 25 September 2013² visiting Stockholm, Norköpping and Flen.

3. The Congress wishes to thank the Permanent Representation of Sweden to the Council of Europe and the Swedish authorities at central, county council and local levels, the Swedish Association of Local and Regional Authorities (SALAR), experts and other interlocutors for their valuable co-operation at different stages of the monitoring procedure and the information conveyed to the delegation.

4. The Congress notes with satisfaction that:

a. constitutional reform took place in 2011 amending the Instrument of Government which is one of the four fundamental laws that make up the constitution, adding a new chapter under the title “Local Authorities” (Chapter 14), introducing the principle of proportionality, with the aim of strengthening the constitutional protection of local self-government;

b. the local authorities manage a very substantial share of public affairs (approximately 75%) and the association representing local and county authorities, SALAR, is a strong partner of the national authorities with regard to local government affairs;

c. the financial equalisation system has been changed and the application of the funding principle has been given clearer guidelines as recommended by the Congress in its Recommendation 163 (2005) on Local and regional democracy in Sweden ;

d. three county councils and one municipality have taken over additional responsibilities in regional development and that, from 2015 on, six additional county councils will take over similar responsibilities.

5. The Congress draws attention to issues that require further improvement for an optimal functioning of local government including the:

a. lack of a mention of the principle of subsidiarity in the Swedish Constitution, although the newly introduced Chapter 14 of the Instrument of Government has strengthened the role and scope of local authorities and, in any event, de facto, a very high percentage of public services are carried out at the local level;

b. significantly increased amount of detailed State regulations for local level activities, for example in such areas as working conditions, health care, education and public procurement, which carry the risk of infringement on local affairs and highlight the need for an improvement in the consultation procedure in order avoid such infringements;

c. non-indexation of State grants. Although these are frequently revised, they remain nominally fixed. Therefore a decrease (in value) occurs in real terms through inflation. This situation could be addressed by adopting firm rules

on the indexation of grants which would strengthen the long-term planning conditions for local authorities and county councils;

d. insufficient involvement of local authorities in the estimation of cost implications of any new State legislation concerning the local level, which sometimes leads to situations where the national authorities do not take into account all related cost factors.

6. In the light of this, the Congress asks the Committee of Ministers to invite the Swedish authorities to:

a. strengthen the principle of subsidiarity, which requires that tasks that can be performed at the local level should be performed at the local level, by ensuring a consistent application of the recently introduced principle of proportionality, laid down in the Constitution;

b. set up a formal consultation procedure that would allow all local authorities and their representative association to make input into all decisions taken at State level which might limit local authorities' autonomy;

c. invite the Government to consider the local authorities' demand for indexation of State grants on inflation and linking them to demographic changes;

d. ensure the stronger involvement of the local authorities in the estimation of cost implications of any new State legislation that is to be implemented at local level;

e. grant more county councils responsibility in regional development, by extending this competence to all elected county councils, and to make use of the Council of Europe Reference Framework for Regional Democracy as a guideline in this respect.

f. ratify Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs) (ETCS No. 206).

7. The Congress invites the Committee of Ministers of the Council of Europe to take into consideration the present recommendation on local and regional democracy in Sweden, as well as the explanatory memorandum, in its activities related to this member State.

1. Debated and adopted by the Congress on 27 March 2014, 3rd Sitting (see Document [CG\(26\)12FINAL](#) explanatory memorandum), rapporteurs: Luzette Wagenaar-Kroon, Netherlands (L,EPP/CCE) and Gudrun Mosler-Törnström, Austria (R, SOC).

2. In their work, the rapporteurs were assisted by Renate Kicker, consultant, who is a member of the Group of Independent Experts on the European Charter of Local Self-Government, and by Sedef Cankoçak, co-secretary of the Monitoring Committee of the Congress.