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"Promoting Spatial Development by Creating COMmon MINdscapes"

SWEDEN

I. Constitution, government, and administration of Sweden

1. Constitutional System

- *General description and key data of the constitutional system*

Sweden covers 449 964 km^2, of which 410 934 km^2 consists of land area. The country has 9 011 392 inhabitants (2005). Sweden is 1 572 km from north to south and 499 km from west to east. The country is divided into 25 provinces, 21 counties and 290 municipalities as well as 13 dioceses and 2220 parishes. The capital is Stockholm, which has 765 044 inhabitants (2005).

The Instrument of Government (*regeringsformen*), the Act of Succession (*successionsordningen*), the Fundamental Law on Freedom of Expression (*yttrandefrihetsgrundlagen*) and the Freedom of the Press Act (*tryckfrihetsförordningen*) form the fundamental laws of Sweden (the 'Swedish Constitution'). The Instrument of Government contains the basic rules on the form of government, as well as a catalogue of freedoms and rights and regulations on the tasks and workings of the government, parliament and administration.

The starting point for the Swedish form of government can be found in Article 1 of the Instrument of Government. It states that all public power in Sweden proceeds from the people and shall be based on free formation of opinion and on universal and equal suffrage. Through free, secret and direct elections held every four years the people of

Sweden appoint the Riksdag (the parliament), which consists of 349 members. The 349 seats in the single chamber Riksdag are of two types: 310 fixed constituency seats and 39 adjustment seats. The country is divided into 28 constituencies. Before each election the 310 fixed constituency seats are divided between the constituencies based on the number of people entitled to vote in each constituency. The adjustment seats are divided between the constituencies after the elections so that each party will get as many seats as represented by the party's total share of the vote. A party has to get at least 4% of the votes to be represented in the Riksdag.

The principles of parliamentarianism are applied in Sweden. Through this, the influence of the people has been extended to Government. The Riksdag appoints the Prime Minister (*statsminister*). She/he then appoints the other ministers. The Speaker of the parliament (*talman*) proposes a Prime Minister to the Riksdag. She/he is approved unless opposed by a majority of the members of the Riksdag.

Democracy is based on the free formation of opinion and on universal suffrage. The preconditions for free speech are regulated in the Instrument of Government, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression, passed in 1991. These contain two basic rules that also fundamentally influence the work of the state and of the municipal administrations, namely the principle of free access to official documents (*offentlighetsprincipen*) and the principle of informant protection (*meddelarskyddet*). The principle of free access to official documents means that, with a few exceptions, all official documents are public documents. State and municipal authorities have to register all incoming and outgoing documents. These registers are public and the authority is obliged to let everyone who so demands to inspect a registered document. In certain cases the authority should hand over a copy of the document. Nowadays, the registers are often available on the Internet. Incoming and outgoing e-mail is also public, as are other documents held on computers. The principle of free access to official documents stems from the Freedom of the Press Act of 1766.

The informant protection principle means that whoever provides information to a newspaper, the radio or the TV about the conditions in the public administration has the right to remain anonymous. A journalist who has received the information has a legal duty of confidentiality to his or her source or informant. The person who has delivered the information (the informant) cannot be punished by law. Any official from a public authority who attempts to investigate the source of the information can be

sentenced to prison. The only exception to the informant protection principle relates to secret information concerning matters of national security.

- *History of the constitutional system*

The Instrument of Government, the fundamental law that regulates the constitutional system, dates from 1974. Prior to that, the constitution was based on the 1809 Constitution. It had, however, undergone big changes. Until 1866, the Swedish Riksdag consisted of four congregations representing different social classes (*stånd*, estates) – the nobility, the clergy, the burghers and the peasants. In 1866 a bicameral Riksdag was established; where the second chamber was elected in direct elections every four years, whilst the first chamber was elected indirectly by electors and was only one third of the seats were up for election at every one time. These elections also took place every four years but they were co-ordinated with municipal elections and took place two years after each election to the second chamber. Suffrage was differentiated by financial status. The richest had 40 votes and those without assets did not have a vote.

During the first two decades of the 20th century political life was dominated by the intertwined questions of suffrage, parliamentarianism and defence. Mandatory military service, which was fully established in 1901 gave those arguing for universal suffrage an argument that made a profound impression on the conservative side (”one man, one vote, one rifle”). The electoral reform that was undertaken in 1909 gave all men equal suffrage in elections to the second chamber of the Riksdag. In municipal elections and thus also in elections to the first chamber, the right to vote was still weighed according to income. The veto powers of the first chamber in matters relating to the fundamental laws effectively prevented a more radical constitutional reform. It was not until 1921 that a constitutional reform was undertaken that removed most of the remaining limits to political democracy. Women were enfranchised in elections to the second chamber and the income limits were removed, leading to the democratisation of the first chamber.

The definite break-through of modern parliamentarianism in Sweden came together with the victory of democracy after the First World War. The Constitution of 1809 was characterized by the division of powers between the King and the Riksdag. However, Government (*statsrådet*) was long dominated by civil servants. Little by little, parliamentarians gained access into the Government. The respect for the basic tenet of parliamentarianism – that the Government should not be based on the monarch’s personal trust but only on the political trust of the popular representation – was,

however, deficient. The Prime Minister was fully appointed according to the principles of parliamentarianism after 1917, but until 1975 the King was the person discussing with the party leaders and suggesting a prime ministerial candidate to the Riksdag.

- *Main specifics of the constitutional system*

The Riksdag has 16 permanent committees. Matters relating to housing policy, physical planning, expropriation, cadastral survey, county administration and the administrative division of the country (e.g. sub-division into municipalities) are dealt with by the Housing Committee. The majority of the work in the Riksdag is concentrated to the committees. The committees prepare all proposals from the Government (government bills, *propositioner*), from the members of the Riksdag (private members' bills, *motioner*) as well as the proposals and reports from the institutions of the Riksdag, e.g. the Swedish National Bank (*Riksbanken*). The committees have a right of initiative in matters within their field of activity. This means that they can put forward proposals to the Riksdag. This right of initiative is, however, used very restrictively. All matters must be dealt with by the committees that then deliver a proposal decision to the Riksdag. It is not possible to stop matters in the committees. Decisions in the Riksdag are taken by simple majority and are notified to the Government by a written communication signed by the speaker.

A special committee – the committee on EU affairs – has been established so that the Government can inform the Riksdag on matters that have been dealt with and decided in the EU. The Instrument of Government states that the task of the Riksdag is to make laws and to decide about taxes to the state and on how the funds of the state will be distributed. These powers are referred to as the legislative and the financial powers of the Riksdag. The Riksdag is also to review how the realm is governed and administered. These is called the control powers of the Riksdag.

The tasks of the Government

The Speaker of the Riksdag proposes a Prime Minister to the Riksdag after consultations with the party leaders and the deputy speakers. Unless a majority of the members of the Riksdag vote against the proposed Prime Minister he or she is appointed by the Riksdag. The Riksdag only approves the Prime Minister. He or she appoints the other members of Government him/herself and informs the Riksdag of their names when he/she delivers his/her Statement of Government Policy (*regeringsförklaring*).

Since a couple of decades the Swedish Government has consisted of about 20 persons. The Government Offices are currently divided into 13 ministries. Each ministry is headed by a minister who is the Head of the Ministry. Other ministers have their own areas of responsibility within these 13 ministries. One minister is the Deputy Prime Minister and belongs to the Prime Minister's Office. Matters concerning physical planning are currently considered and handled at The Ministry of the Environment. In addition to the ministers, there are a few political appointees in the ministries. These can be State Secretaries, Press Secretaries and certain expert advisors. Other civil servants retain their posts through changes in Government.

In the majority of cases, the Government makes decisions collectively. The constitution prescribes that decisions should be prepared in the Government Offices which includes the ministries. The most commonly used method of preparing for a decision is a departmental preparation, which consists of a presentation by a civil servant to the Head of the Ministry. She or he then decides on a proposal decision, which is formally determined as the Government's decision at the next Government meeting. All other ministries have received the information about the proposal decision. If any minister has objections he or she has to notify this. If no objections are notified the decision is formally recorded as the Government's decision without a presentation at the Government meeting. More important matters or matters concerning several ministries are considered at a general preparation where all ministers meet, or at a common preparation involving the ministers concerned. The ministers can then agree on the stance of the Government.

The tasks of the Head of State

The King or Queen is the Head of State. Detailed rules on the succession can be found in the Act of Succession. The Head of State does not have any political power. His/her tasks are of an entirely representative or ceremonial nature. Changes of Government take place in a special cabinet council headed by the monarch. In addition, the monarch has to declare the Riksdag open at the start of the parliamentary year and chair the meetings of the Advisory Council of Foreign Affairs. Furthermore, the monarch should be a representative and symbol for the country.

- *Fundamental principles of the political and the administrative system*

The central Government administration

The central administration of the Swedish state is organised on two levels: the Government Offices and the central government agencies. Government agencies are

placed under the Government as a collective entity. They belong to the area of activity of a specific ministry and of a minister but the minister is not allowed to steer the handling of individual matters by a government agency. The agencies are steered through decisions on organisation, resources and through directives on the goals and aims of the activities of the agency. This way of organising the central administration goes back to the 17th century.

The Government Offices are divided into ministries – currently there are 13 of them including the Prime Minister's Office. These are small by international comparison. In total the Government Offices have about 2000 employees. The rest of the state authorities consist of about 300 000 employees. This organisational model, combined with the previously mentioned principle of free access of official documents means that all written – including electronic – correspondence between a government agency and the Government Offices is public and is available for everyone who wishes to take part of it. The government agencies are responsible for the majority of the expert competence of the central administration of the state. Pronouncements from an expert authority in matters to be decided by the Government are thus public documents, unlike in the majority of countries where they are internal working documents within a ministry.

A number of large government agencies, such as the National Labour Market Board, the Swedish Road Administration, the Swedish Rail Authority and the National Land Survey all have well-developed regional organisations whereas others such as the National Board for Housing, Building and Planning utilise the County Administrative Boards and direct contacts with the municipalities. Most central state authorities are situated in Stockholm but a number of them have, for reasons of regional policy, been located to other towns. The National Board for Housing, Building and Planning is in Karlskrona in South-Eastern Sweden; the National Land Survey is in Gävle in North-Eastern Sweden; the National Road Administration and the Rail Authority are in Borlänge in North-Western Sweden.

The tasks of the government agencies are regulated by a general ordinance for agencies, as well as by the instructions specific for that authority. The instructions for the authority determine the working area, the organisational structure and the forms for decision-making. In other matters the authority has to follow the directives that can be connected to the budget decisions in the Riksdag and are issued by the Government and relate to how allocated funds can be used.

The government agencies are normally headed by a Director-General who is solely responsible for the activities. The government agencies exercise powers of authority, such as control functions, supervision, regulation, making of norms and issuing of permits, allocation of funds such as housing grants, providing advice to municipalities and individuals, research and investigations.

The regional government administration – county administrative boards

Sweden is divided into counties. The sub-division of the realm into counties is very old. It was implemented in the 17th century when Finland still formed part of Sweden and some of the southern and western parts of present-day Sweden belonged to Denmark. This historical background has meant that the division into counties of some parts of the country has not corresponded with today's economic-geographical regions. Despite this, the regional division has remained unchanged for over 300 years. Only during the last decade of the 20th century have certain changes taken place. After these changes Sweden consists of 21 counties.

The county administrative boards (*länsstyrelser*) were originally established as county governments (*lantregering*) – the prolonged arm of the King. Since their establishment in the 17th century they have been led by a County Governor (*landshövding*) who was the "commander of the King" ("*Konungens befallningshavande*"). They County Governors had two central tasks, namely to represent the interests of the state and simultaneously to represent the regional interests. As the commander of the King, the County Governor was to steer, appoint, control and create justice, and to be the authority vis-à-vis the subjects in a more general sense. During the last few decades the county administrative boards have gone through significant changes and they are still changing.

According to current (year 2006) valid instructions, the county administrative boards are to monitor the situation of and needs of the county closely, to promote the development of the county and the well-being of the population, to ensure that the different national goals in different sectors of society have an impact in the county, and to be responsible for the state administration in the county where no other public authority is responsible for specific parts of it. In particular, the county administrative board has to ensure that state and municipal activities are co-ordinated and adapted to current and valid goals of environmental and regional policy, and to work for a good management of natural resources. The county administrative board acts as the regional authority of several central authorities. The county administrative board is also

the first appeal instance of certain decisions by municipal committees. During the last decade the county administrative boards have gained a new role as the contact authority for EU regional structural funds. This has also meant that the county administrative boards have gained an important task for the regional growth agreements between state, municipal and private partners that are now being established in lieu of traditional state support policy.

The county administrative boards are placed directly under the Government and therefore do not have any direct connection to the population of the county through elections. The question of county democracy has been discussed during several decades. Currently an experiment is being undertaken in several counties where tasks have been transferred to regional authorities that are either directly elected or that constitute co-operative bodies between the municipalities of the county. These experiments may lead to a reform of the county administration.

Municipalities

The Instrument of Government states that popular government in Sweden is to be realised through a representative parliamentary form of government and through municipal self-government. Municipal self-government has a long historical tradition in Sweden and it is connected to fundamental economic and social conditions. The municipalities have the independent powers of taxation. Most citizens only pay income taxes to the municipality. The municipal self-government is distinguished by a wide-ranging right to take initiatives and actions. For self-government on the municipal level, there are currently 290 municipalities (*kommuner*). On a regional level, there are 18 county councils and two directly elected regional bodies that also have tasks belonging to the county councils. The county council is a second-level local authority (*sekundärkommun*), which includes several municipalities. They generally cover the same area as the counties. At the recent changes to the counties where some counties were merged the co-ordination between county and county council has temporarily been unsettled.

The highest authority in the municipality is the municipal council (*kommunfullmäktige*) which is directly elected by the citizens at the same time as elections to the Riksdag. The municipal councils consist of between 31 and 101 members, depending on the size of the municipality. The municipal council meets 6-10 times per year. The municipal council appoints the members of the municipal executive board (*kommunstyrelse*) and other municipal committees and boards. Those parties that are

represented in the municipal council receive seats in boards and committees according to the proportion of seats they have in the municipal council. The main part of the municipal elected representatives' work takes place in the committees. The committees have at their disposal administrative offices with civil servants and other technical and administrative staff.

The task of the committees and boards is to prepare matters that are to be decided by the municipal council (the so called obligation to prepare, *beredningstvång*), to carry out the decisions of the municipal council and to decide on certain administrative issues. Elected representatives have an opportunity to take part in determinations and decisions on all levels, from preparation to decision to the execution of the decision. Municipalities can decide independently on their own organisation into committees. A municipal executive board is, however, mandatory. It can be seen as the Government of the municipality – the main difference being that all main parties are represented in the executive board.

The competences of the municipalities are regulated in the Local Government Act. It guarantees a democratic decision-making process and ensures protection of minorities. It also allows for insight and control by the member of the municipality and gives them the opportunity to participate in the activities as well as guaranteeing their legal security. The municipalities are, like the county councils, territorially delimited entities with compulsory membership. They have the status of legal persons and also have certain public legal rights, e.g. the aforementioned powers of taxation. Every resident is a member of the municipality where she or he is registered in the population register, or where she/he is assessed for municipal tax. The right to vote is only based on where the individual is registered in the population register.

The division of public tasks between the three levels of public administration – the state, the municipalities and the county councils – is determined by the Riksdag. The main part of public sector activity is the responsibility of the municipalities. The county councils are primarily responsible for health care. On the one hand, the municipalities have a general competence stated in the general clause, through which they are able to deal with matters of public interest and concern. On the other hand, they also have competences regulated by special legislation, where the state obliges them to take care of certain tasks as regulated by law.

The following main principles form the basis for the general competence of the municipalities:

• The decision must comprise a general public interest for the municipality,

• The decision must have a connection to the area or members of the municipality,

• All members of the municipality must be treated equally,

• The decision needs to have been made in due legal order, according to the regulations in the Local Authority Act,

• The decision cannot have retroactive effect that is to the disadvantage of the members,

• A decision cannot be in conflict with laws or other statutes,

• A decision must be concerned with non-speculative activities and any fees that are levied cannot be profit-making,

• The municipality is allowed to promote and support businesses through general efforts that businesses can utilise on equal terms. Direct support to individual companies is only allowed if there are significant reasons for this,

• The municipality is allowed to carry on public non-profit activities in the public interest, such as electricity and water supply, sewage treatment, refuse disposal, bus traffic, rental of housing.

The municipal activities according to the general competence includes the recreational sector, cultural matters, commercial and industrial agencies and activities, water and sewage, energy matters, streets and parks, environment and business, as well as family policy. According to the specially regulated competence the municipality is obliged by the state to take care of certain tasks. In many other countries these matters are matters that directly concern the state, or they are handled by private actors. Some examples of special laws that regulate these tasks include: the Education Act, the Social Services Act, the Environmental Code, the Planning and Building Act, the Rescue Services Act, the Health and Medical Services Act.

- *Division and interlinkage of the political and the administrative system*

Sweden is a democratic state governed by the rule of law, with a monarchical form of government, parliamentarianism and a strong municipal self-government. All public power shall ”proceed from the people”. The ”foremost representative” of the people is the Riksdag that makes laws, decides on the income and expenditure of the state and exercises parliamentary control. The Government ”governs the Realm” and is accountable to the Riksdag. The Riksdag can, by a declaration of no confidence, force the resignation or the whole Government or of an individual minister. It also has the

right to vote on a Prime Minister proposed in advance by the Speaker. To govern the realm means, *inter alia*, that the Government has a right to command the state administration, both domestically and abroad, as well as to make the decisions of the Riksdag more specific with detailed regulations and decisions in individual cases. The importance of municipal self-government is strongly emphasised.

In practice, the Government of Sweden, like that of many other countries, has greater powers than is stated by the letter of the law. However, both within legislation as well as for budget matters the general trend is that both the Riksdag as well as the Government are primarily concerned with larger and more general decisions. Most of the rules in society are made by state or municipal authorities.

The basic regulations for the state that is governed by the rule of law have also been included in the Instrument of Government. These include the Principle of Legality which means that all exercise of power shall be bound by norms: ”public power shall be exercised under the law” (Instrument of Government, 1:1). Furthermore the principle of the equal worth of all is laid down, as well as the duty of all authorities to observe objectivity and impartiality (Instrument of Government, 1:9). The independence of courts and administrative authorities when determining individual cases and matters is also guaranteed through rules (Instrument of Government, 11:2, 7) that no-one, not even the Riksdag or the decision-making body of a municipality, may interfere with that activity.

Basic rights and freedoms form an important part of the Instrument of Government (Chapter 2). Sweden has also ratified the European convention on this and since 1 January 1995 this has been included into national Swedish law. An expression of old Swedish traditions can be found in the two separate constitutional acts in the field of basic rights that exist alongside the Instrument of Government: the Freedom of the Press Act and the Fundamental Law on the Freedom of Expression.

Sweden joined the EU on 1 January 1995 following a referendum. Certain important tasks concerning regulation and economy, etc., have therefore been transferred to the bodies of the EU. This has repercussions not only for the Riksdag and Government but also a long way into the state level and municipal administration.

2. Levels and specific aspects of the political system

aspect / level	organ(s)	authority/ function	tasks
national level	The Riksdag (parliament)	The highest decision-making body of the country	Legislation and state taxation
national level	Government	Governs the country	Domestic and international policy
regional level	County council assembly	The highest decision-making body of the county council, elected in direct elections.	Health care, public transport, etc. Regional taxation
local level	Municipal council	The highest decision-making body in the municipality, elected in direct elections.	Education, care of the elderly, physical planning, streets, water, sewage, etc. Municipal taxation

3. Administrative System

- *General description, history, and key data of the administrative system*

The state agencies and county administrative boards operate in accordance with instructions set by the Riksdag and in accordance with annual budgets containing goals and programmes for their activities. The Government and its ministers are prevented from influencing the handling of individual cases. These principles, as well as the sub-division of the country into counties, go back to the 17th century. After some minor changes Sweden now has 21 counties.

The constitution is based on a far-reaching municipal self-government. Sweden currently has 290 municipalities. Several municipal reforms with consolidations of municipalities have been implemented – the latest of these took place in 1974. In the counties there also exist county councils (*landsting*) with directly elected council assemblies with independent powers of taxation.

- *Levels and specific aspects of the administrative system:*

aspect / level	institution(s)	authority/ function	tasks
national level	Government offices	Preparatory body	Prepares matters to be decided by the Government

national level	Government agencies	Decides in individual cases within their own areas of responsibility	Are responsible for the day-to-day administration of the state, each within their own area of responsibility
regional level	County administrative board	Is the regional representative of the state	Decides on state matters that are to be determined on a regional level
regional level	County councils	Administers the county council's areas of responsibility	Health care, etc.
local level	Municipal administration	Administers the municipality's areas of responsibility	Schools, etc.

II. Planning System of Sweden

1. Planning system in general

- *History of the planning system*

  A hundred years ago the towns had exceptionally weak opportunities to steer the development of their towns. A law in 1810 had made land a tradable commodity. When land became a tradable commodity the doors were opened for speculation in the people's need for housing. The low standards of hygiene and the great fire hazards in the towns and cities were noticed. The need to rectify these problems led to the Building Decree (*byggnadsstadgan*) of 1874 – this is often called the first modern building legislation in Sweden.

  The Building Decree of 1874 ordered the towns to draw up and implement urban plans. It also contained a demand that the towns should have building orders and building committees. However, the Building Decree was a royal ordinance and had not been considered by the Riksdag. This meant that the decree did not have status of civil law. Thus, the towns could not force property owners to follow the plans. It was even harder for the towns to control development outside of their borders. Both conservative and radical politicians proposed measures to remedy the urgent need for housing. The conservatives saw a need for measures both to stop emigration, and to reduce the risk for a revolution. The lesson was learnt from Germany that a precondition for a

harmonious development of an expanding town was that the city should possess the ownership rights of land for urban development.

There was an early realisation that the towns were legally ‘handicapped’ when it came to the implementation of town plans. Several proposals were put forward. The Town Planning Act (*stadsplanelagen*) entered into force in 1909. Its purpose was to establish the legal relations between municipalities and property owners. It set an obligation for land owners to contribute to the costs for the implementation of a town plan. The Town Planning Act introduced the municipal planning monopoly in Sweden. Town plans were to be adopted by the town council and then be formally established by the King/Government. At the formal establishment the King could not deviate from the plan as adopted by the municipality. This was justified by reference to the implementation costs that the municipality undertook when adopting the plan. The municipalities gained both redemption rights and redemption obligations to land for streets and other land for public spaces.

The problems of ‘overgrown’ building development outside the areas covered by town plans were noticed but the active municipal land policy remained a prerequisite to deal with the problems that the Riksdag had pointed at.

The Town Planning Act was reformed in 1931. Among other things this was in order to enable legally binding regulations for the differentiation of use of both building blocks as well as streets and land for public spaces. The law also gave opportunities for more detailed regulations for buildings. It strengthened the position of the city vis-à-vis the land owner by making it possible to reduce old building rights when redeveloping areas and by making it possible to claim up to 40% of undeveloped land without compensation to the land owner. Under certain conditions the Government also gained the right to establish a town plan against the will of the town. This right has only been used once during the past 75 years. This was in the 1970s when the state forced through a plan for a postal terminal between Stockholm and Solna, against the will of the town of Solna.

One of the most serious deficiencies of the 1931 Town Planning Act was that it did not enable rules on where the establishment of settlements was allowed. The exploitation of land for settlements was, in principle, free. Settlements grew in areas that could not be supplied with roads, water or sewage treatment. They spread over large areas. The most troublesome conditions were on the edges of the towns and cities. In 1947 the Government proposed an entirely new Building Act and Building Decree. To a great

extent the law had been inspired by the investigations on planning and land policy that had been published in the United Kingdom. This law established the basic principle that the public is to have the authority to determine where and when built-up areas can be developed. The law states that planning is required in order for land to be utilised for the development of built-up areas and the Building Decree states that building permits must be refused for actions that contravene these regulations. A plan cannot be established for an area that is not, from the public point-of-view, suitable for built-up areas or settlements. Furthermore, a plan cannot established until the exploitation of the area is suitable from the public point-of-view. The development of built-up areas can thus be prevented by refusing to plan for them. Planning is a municipal task. There was no proposal to compensate for the lost development rights for the building up of areas. With the Building Act of 1947 the municipalities gained the right to determine where, when and how building development was to take place or be changed.

It was still a requirement that municipal plans should be approved by the Government. Its evaluation was a professional evaluation of quality. The expert authority of the Government was the old equivalent of the National Board for Housing, Building and Planning. In 1960 the examination of whether the plans should be approved or not was transferred to the county administrative boards. Since then, and supported by the municipal planning monopoly, practically all new building development in Sweden has been governed by political decisions.

The 1947 Building Act also introduced important novelties in the general planning instruments; the general plan for towns and settlements and the regional plan for areas that covered several municipalities. The general plan could become legally binding for all parties concerned by being formally established by the Government. However, that option was hardly ever used. The regional plan was also formally established by the Government but only constituted a recommendation for municipal planning. Continuous regional planning has only taken place in the Stockholm area.

National physical planning (*fysisk riksplanering*) was started in 1965. The background for this was a need to better be able to regulate development outside built-up areas. This concerned both industrial establishments and the leisure housing areas, which were growing rapidly as a consequence of increased mobility. From 1971 the building up of sparsely populated areas also required planning considerations by the public sector. In this way the planning monopoly had been expanded so that all development had to be tried and found suitable by the politically appointed bodies of the

municipality. Development in sparsely populated areas is tried in a direct building permit application and a refused building permit may be appealed and the plaintiff can win an appeal case against the municipality.

The Planning and Building Act of 1987 is based on the same principles as the Building Act of 1947 with its later additions. However, it removed the compulsory state-level examination and formal establishment of municipal planning decisions. The state can only act against a municipal planning decision if the decision contravenes certain national interests defined in laws, if it jeopardises the interests of neighbouring municipalities or poses a danger to health and safety. The opportunity that was introduced in 1931 to establish plans against the will of the municipality was limited to plans that were needed to satisfy national interests or inter-municipal co-ordination. This way the Government was given the possibility to decide on the location of nuclear waste storage. Since the 1999 Environmental Code, this opportunity also covers traffic infrastructure installations and hydropower installations.

The municipalities were obliged to draw up a Municipal comprehensive plan (*översiktsplan*) that covered the entire municipal area. The statement by the county administrative board forms a compulsory planning document in the comprehensive plan. This deals primarily with the handling of national interests. In this way, the comprehensive plan becomes a kind of contract between the state and the municipality on the treatment of the national interests. The individual property owner gained economic security for the present use of land, including also the buildings on the property. The right of the land owner to get compensation when the present use of land was restricted or intruded upon was also strengthened.

The means that can be used in Sweden to prevent activities that are environmentally undesirable have successively been increased at the expense of municipal influence. At the same time the financial incentives to promote a desired development have been dismantled. An example of the way in which restrictive measures have gained a stronger position is the establishment of the Environmental Code in 1999. This has meant that a number of decisions on the localisation of activities that have environmental impacts have been transferred from the political sector to the legal sector. The fact that restrictive measures gained a stronger position is connected to a weakened confidence in political assessments. The same is true about the stronger position of the courts at the expense of the politically appointed bodies. The development towards market-based management means that private initiatives are

gaining increased importance in new building developments. The municipalities no longer carry out an active land policy, which has been one of the most important prerequisites to steer building development throughout the 20th century. The development has also gone towards local opinion gaining increased importance. Legislation has successively strengthened the demands of information and consultation. A benevolent interpretation of this development is that the municipal hegemony over planning has been replaced by three other phenomena that are gaining in importance:

1. Negotiations between equal partners that represent different forms of power – political, financial and professional.
2. Legal trial and examinations in court of controversial planning decisions.
3. An increased citizen influence, *inter alia* through a stronger media coverage.

- *Basic principles*

The municipalities carry the main responsibility for land-use planning in Sweden. A municipal planning monopoly exists. This means that no change to the use of land can take place unless it is based on a municipal plan. Individual land-owners cannot build on their land if the building development is not in agreement with the municipal plans. With few exceptions the state cannot decide on the change of use of land if the decision would go against municipal plans. With only few exceptions, the municipalities have the right of veto in planning matters.

All municipalities must have a current comprehensive plan that covers the entire municipality. The Municipal comprehensive plan is not legally binding but is meant to form the basis of decisions on the use of land and water areas. The comprehensive plan must be considered by the municipal council at least once during each term of office (4 years). The Detailed development plan is the legally binding instrument. It is the most important instrument for implementing the intentions of the comprehensive plan. It divides obligations and rights between the municipality and the land owners. It provides a strong protection of the rights accorded by the plans to land owners during an implementation period that can vary between 5 and 15 years. Special area regulations are more simple planning instruments that are also binding and are primarily used outside built-up areas to ensure agreement with the comprehensive plan in certain respects.

For the planning of matters concerning several municipalities the legislation appropriates the instrument of Regional plan. The municipalities concerned can make a joint demand to the Government that a regional planning body should be appointed. From then, planning in a municipality that is a member of the regional planning body must agree with the regional planning pursued by the that body. Currently, regional planning only exists in the Stockholm and Göteborg areas. Environmental impact assessments (EIA) also constitute an important instrument in municipal planning. They are compulsory in several contexts and also have to form part of the basis for the detailed development plans.

- *Objectives and scope*

  The comprehensive objectives of physical planning are stated in the introductory section of the Planning and Building Act. The provisions aim, with due regard to the individual's right to freedom, at promoting societal progress towards equal and good living conditions and a good and lasting sustainable environment for the benefit of the people of today's society as well as of future generations.

  The fact that planning the use of land and water areas is a matter for the municipality is established already in the second section of the law. More precise objectives of different planning tasks are determined and stated independently by the municipalities. Objectives for the municipal planning that are set by the state can primarily be found in laws and ordinances decided by the Riksdag. Chapter 2 of the Planning and Building Act is the primary source for this but chapters 3 and 4 of the Environmental Code are also important. The central government agencies, in consultation with county administrative boards, issue closer instructions regarding the national interests that are indicated in these chapters. The most important government agencies are the Environmental Protection Agency, the National Heritage Board and the Swedish Roads Administration. The National Board of Housing, Building and Planning provides advice for planning and best practice examples. However, there is no obligation to follow this advice. Books on comprehensive planning and detailed development planning that are published by the National Board for Housing, Building and Planning are applied to a great extent.

  Legislation provides detailed rules concerning the handling of plans and the municipalities are obliged to follow these. This concerns, among other things, the forms and ways of public influence and consultations. If these rules are not followed, an adopted plan can be declared invalid. The Government can influence municipal

planning by way of subsidies for certain types of housing or installations but do not provide other objectives for physical planning.

- *Main instruments*

  The different type of plans in the Planning and Building Act – Regional plan, Municipal comprehensive plan, Detailed development plan, Special area regulations and Property regulation plan – are the instruments of physical planning. Of these the most important are: the comprehensive plan that covers the entire municipality, the (so called) detailed comprehensive plan (*fördjupad översiktsplan*) that has the same status as a comprehensive plan but only covers a part of a municipality, and the detailed development plan.

- *Significance of transnational and trans-border aspects*

  The ESDP (European Spatial Development Perspective) forms part of the EU's work on planning with the goal of reducing regional and national differences in development conditions. It includes a combination of planning types that have previously been separated in Sweden: planning and regional policy measures. The term "spatial planning" does not yet have a good Swedish translation. European co-operation is pushing development forward in Sweden. Supported by different EU funds such as Interreg IIIB, development work is taking place in several regions. On the Nordic level (Denmark, Finland, Iceland, Norway, Sweden), Nordregio exists as a centre for research and development and on the Swedish level the Centre for Spatial Development and Planning (CTUP) exists at Blekinge Institute of Technology.

- *Current and upcoming changes*

  The administrative system

  The past 10-12 years have meant great changes to the values and preconditions of the Swedish welfare state. The financial crisis of 1992-1994 sent a quiver through Swedish society. Unemployment rose to levels not experienced in Sweden since the 1930s. The Government was forced to take drastic measures in different welfare systems to achieve a balanced state budget. Of these the most significant for planning was the abolishment of housing subsidies and rules for housing production connected to these. The housing sector that cost the state 3.5 billion EUR/year before the year 1992 changed to give the state a net contribution of 1 billion EUR/year at the end of the 1990s. This was primarily due to a property tax.

These changes caused the Government to establish several inquiry commissions on the division of responsibilities and legislation. The inquiry commission that may have the most long-lasting effects is the Committee of Responsibilities (*Ansvarskommittén*) set up in 2003. The Government finds that new behaviour and new needs, economic, demographic and technological factors, as well as the EU membership and internationalisation in general, pose important challenges for the organisation of society. At the same time these changes create preconditions for dynamic development.

The Committee of Responsibilities is to identify, to point at and to analyse those changes in society that have an impact on the structure and division of tasks between the state, the county councils and the municipalities, and that may cause changes to these divisions of tasks. The committee's task is also to analyse the changes in society that have an impact on the division of tasks between the Government and the government agencies.

In its directives the Government points to the paradoxical fact that Sweden is a unitary state with a strong central state at the same time as the there is far-reaching municipal self-government with a wide range of responsibilities. Another special feature is the fact that state agencies and authorities are under the Government but, unlike other countries, they do not form part of the central Government Offices. They are responsible for making their own decisions, based on legislation and governmental directives, and formally the members of Government have no political responsibility for these decisions to the Riksdag.

The regional level has, primarily as a consequence of EU membership, ended up as the focus of discussions on structure and the division of tasks. In Sweden it is, among other things, the co-operation on structural funds, the endeavours to increase democracy in the applicant countries, and the efforts in the Baltic Sea area that have played an important role in this development.

The committee's task is to look at how municipalities and county councils manage their welfare tasks based on demographic, social cost-benefit and technological changes. One of the main questions for the committee is the existing division into municipalities and counties. Which consequences does this division have for efficient co-operation in planning when the travel patterns of the citizens are changing and the housing and local labour market areas are growing in size? The committee also has a task of

looking at how the internationalisation and in particular the co-operation in the EU is affecting the Swedish political and administrative system? This applies to both geographical divisions as well as the need to change areas of responsibilities in the organisation of society.

In particular, the role of the regional level is to be given special attention. In this context attention is also given to the insight and influence of the municipalities and county councils into the EU decision-making. One central question that is asked is whether the Swedish model of administration needs to be adapted to the special conditions that EU membership requires. The committee has, during the latter part of its work, been giving attention to the division of tasks in land-use planning and there especially pointed to the lack of co-ordination between environmental legislation and physical planning. The committee will deliver its proposals in 2007.

Planning legislation

In 2002 the Government appointed a committee to produce a coherent review of the planning and building legislation. This committee reported in 2005. It found that there exists a unison and strong support in favour of the basic objectives of the Planning and Building Act, and for the basic structure of the Act. Thus the committee did not suggest any significant changes to the set of rules that are currently (2006) valid for physical planning. The committee emphasises that comprehensive planning should be more strategic in its orientation. The (so called) detailed comprehensive plan should gain an explicit legal status. It is also suggested that it could be thematic and deal with specific activities or areas of interest. Detailed development plans could, to a greater extent, be made more comprehensive. They should also, in certain cases, be made more concrete through regulations about buildings and plots of land during the implementation period. It is proposed that the legislation places higher demands on intermunicipal co-operation. The municipalities would be given increased opportunities to appeal the planning decisions of other municipalities, but the municipal planning monopoly and the municipal responsibility for physical planning is proposed to remain. The lack of intermunicipal co-ordination as a cause for state intervention against municipal plans is abolished. The committee proposes that the appeal decisions of municipal planning decisions should be moved from the Government to special planning and environmental courts. The county administrative boards should even in future be the first appeal instance.

The proposal of the committee is now (2007) being prepared by the Government Offices. A first proposal to change the laws, based on the committee's proposals, can possibly be expected during 2007.

In 1999 a special committee was given the task to evaluate the application of the Environmental Code and to deliver proposals for necessary changes. The questions, that this committee had paid particular attention to, include regulations on environmental quality standards, the water framework directive and how to make environmental assessment more efficient. Attention was given to the sanctions included in the Environmental Code and the Code's rules on consideration as well as the organisation that exists for trying these. In the final report (2005) the committee deals with the system for environmental quality standards in the Environmental Code, the experiences from the appeal rights of environmental organisations, and the fees for assessment and control.

An environmental quality standard is a regulation relating to the quality of land, water, air or other aspects of the environment. The committee's proposals are primarily aimed at strengthening the action programmes to achieve the quality standards. The committee delivered proposals for increased opportunities to issue general regulations when necessary, in order to achieve environmental quality standards. The proposals are important when it comes to the application of environmental quality standards in decisions according to the Planning and Building Act. The suggestion is that environmental organisations gain increased opportunities to participate in environmental processes.

The committee also believes that there is a need to create a co-ordinated system for environmental impact assessment, i.e. the production of environmental impact assessments (statements) and the environmental examination the follows this. Existing rules are unclear and can lead to the production of several EIAs for what is in essence the same purpose.

2. Planning legislation and jurisdiction

- *Legal framework of planning*

  The Environmental Code and the Planning and Building Act form the legal basis of physical planning in Sweden. The Environmental Code constitutes an 'umbrella' for the Planning and Building Act as well as other special laws that have an impact on the

physical environment. The aim of the Environmental Code is to promote sustainable development. It is to be applied so that:

- human health and the environment are protected,
- valuable natural and cultural environments are protected and managed,
- biodiversity is preserved,
- land, water and the physical environment are used so that a long-term good management is ensured from an ecological, social, cultural and social cost-benefit point-of-view,
- re-use and recycling are promoted so that a natural cycle is achieved.

The parts that have special importance for land-use planning contain planning guidelines for certain large geographical areas. This includes, among other things, large parts of the Swedish coastline and the mountains. The Environmental Code also includes rules that certain areas, certain built-up areas or buildings, and certain roads and railroads can be given the status of national interest for (e.g.) nature conservation, cultural heritage, outdoor recreation, defence or social/public cost-benefit reasons. The national interest areas or objects are defined following a consultation process between central state authorities, county administrative boards and the municipalities.

According to the Environmental Code, the Government has to examine whether certain large industrial and energy installations can be allowed, before the detailed development plan and before project planning or other planning (to prepare for production) takes place. The Government will then take a stance on the conflicts that exist involving geographical planning guidelines and national interests as described above. The Government also determines whether there may exist conflicts involving other regulations in the Environmental Code. The Government cannot, however, give permission if the municipality concerned is opposed (the municipal veto). There are exceptions from the veto when it comes to certain installations of extremely high importance for the realm, for example installations for the final storage of nuclear waste. This also applies to large infrastructure investments.

The Planning and Building Act regulates the planning process. Measures on the land or to buildings that demand permission have to be tried in accordance with the rules contained in the Planning and Building Act. This applies to all new development, most cases of reconstruction, the change of use of land and buildings, demolition, etc. The municipalities are responsible for examining the case and assessing whether the measures are in accordance with different plans. The municipality mostly uses two instruments for its planning. These are the previously mentioned comprehensive plan

and detailed development plan. The comprehensive plan is to present and describe the main features of the intended use of land and water areas in the municipality. It should show the municipality's view of how the built environment should be developed and preserved. It should also indicate how the municipality intends to provide for the national interests located in the municipality and how the municipality intends to observe the environmental quality standards set by the Government.

The municipalities of Sweden are now being preparing the Municipal comprehensive plans of the third generation. Increasingly they are evolving to become municipal development programmes that deal with the housing supply, the development of business and industry, and with environmental considerations. The use of land is also increasingly being assessed in connection with social objectives.

A Detailed development plan is necessary for new buildings that form part of a settlement, or if the building has a significant impact on its surroundings, or if it can be assumed that it is the first building that is in an area under pressure to be developed. A Detailed development plan is also required for reconstruction if the building forms part of an area that needs to be considered coherently. In other cases the municipality can assess the acceptability based on the general regulations of the Planning and Building Act, as well as the intentions that the municipality has described in its comprehensive plan.

The Detailed development plan is the implementation instrument of the municipality. It is legally binding and gives, among other things, the municipality the right to expropriate land for public use. However, most measures are implemented by individuals or organisations rather than the municipality. As previously mentioned, the detailed development plan has to set an implementation period of a minimum of 5 years and a maximum of 15 years. During the implementation period, the rights, that the plan accords, are economically protected. After the end of the implementation period the municipality can, without compensation, change the plan so that unused rights expire. Investments that have been made during the implementation period are, however, protected.

The Detailed development plan is to show which areas that are to be used for building and different installations, e.g. for trade, sports, burial sites, traffic, protected areas, etc. For buildings, the permitted use and extent of the use have to be stated. It is common practice that, for example, the permitted building height is stated. The detailed

development plan also has to show public places for streets, roads, squares and parks. The municipality can also set requirements for the execution of the buildings. In certain cases matters such as colour and materials are also stated.

- *Legislation and jurisdiction on different levels*

  National level

  The Planning and Building Act applies equally to all of Sweden. It is determined by the Riksdag, on a proposal by the Government. The same applies for the Environmental Code. These are the two laws that primarily steer the physical planning. They contain regulations that limit the rights of the municipalities, who have the responsibility for the physical planning. This applies, for example, for the planning of areas of national interest or along all shorelines of lakes and rivers.

  The Government deals with the appeal of certain plans. The Government can, in appeal cases, revoke a plan adopted by the municipality or to make exceptions to a part of a plan but it cannot draw up new plans instead.

  The central government agencies provide advice for municipal planning and they also make the contents of the national interests more precise.

Regional level

The county administrative board is a state authority under the Government. The county administrative board has to consult with the municipality when plans are being drawn up. It has as its special task the monitoring of the handling of national interests in municipal planning. The statement by the county administrative board forms part of the plan documents. The statement should make clear whether the municipality has dealt with national interests in an acceptable way. The county administrative board is also the first appeal instance when a municipal decision to adopt a detailed development plan is appealed by someone entitled to do so. The county administrative board can then revoke the decision or to exempt a part of the plan from the decision.

Local level

The planning of the use of land and water areas is a municipal matter. The municipalities have a so called 'planning monopoly' (*planmonopolet*).

- *Binding character*

  According to the Instrument of Government, comprehensive plans cannot be made legally binding. This would mean a decision on norms that only the Riksdag is allowed to take (with certain exceptions). Therefore the comprehensive plan is not binding for individuals or authorities – not even for the municipality that has drawn up the plan. Thus they are not binding even for the subsequent detailed development planning. However, they are valuable as well-considered interpretations of the law in cases of disagreement on the suitable land use of an area.

  The detailed development plans are, however, binding for all parties. During the implementation period, which has to be between 5 and 15 years, they cannot be changed without fully compensating for financial losses caused by the change. After the end of the implementation period they remain binding but they can be changed without compensating for unused rights.

- *Possibilities of complaining and filing of lawsuits*

  The Planning and Building Act contains regulations on public participation in the planning process. Both comprehensive plans and detailed development plans are adopted by the municipal council following a process of consultation and public exhibition. The planning process is initiated by a programme that states the objectives of the plan. When the first proposal has been drawn up the municipality has to consult

with the county administrative board and other municipalities that are affected by the planning. Consultation also has to take place with property owners, local companies, residents, special interest organisations, schools, and with those responsible for social services in the affected area. The contents and the consequences of the plan must be clearly described during the consultation. The intention is to improve the basis for the decision and increase the understanding of those responsible for adopting the plan. All consultation has to be documented and has to describe opinions that have been received, as well as the comments of the planning authorities. Before the municipal council makes a decision on the comprehensive plan it has to be exhibited for public review during a minimum of two months. Opinions and points of view have to be submitted in writing.

Already at the start of the planning process consultation has to take place with everyone resident in an area that is affected by a Detailed development plan. The residents also have the right to study the environmental impact statement that has to be produced. Before the municipality makes a decision on the detailed development plan it has to be exhibited in public during a minimum of three weeks. After the public exhibition all opinions and points of view have to be collected and commented upon. The municipality may have to negotiate with property owners that believe they lose out financially because of the plan. When the municipality has adopted a detailed development plan, the county administrative board, the neighbouring municipalities and those who have submitted written opinions have to be informed. Those affected by the plan can appeal to the county administrative board within three weeks. The county administrative board can take measures against the municipal decision to adopt the plan if:

- the rights of the individuals are unreasonably harmed,
- national interests are being threatened and this is in conflict with the comprehensive plan,
- the interests of the neighbouring municipalities are being unsuitably affected,
- health and security are under threat,
- the planning process has not followed the demands of the law.

Those unhappy with the decision of the county administrative board may appeal to the Government. Most detailed development plans are not appealed and become legally binding three weeks after the municipal board has adopted them.
The Government's decision can be appealed to the the Supreme Administrative Court (*Regeringsrätten*) which can give special permission and consider the case. The

Supreme Administrative Court will then only review whether the decision has been made in accordance with the legally correct process.

- *Planning necessity and voluntariness*

  The municipality has an obligation to plan. The Municipal comprehensive plan is thus compulsory and has to be considered by the municipal council at least once during each term of office – i.e. at least every four years. The level of ambition of the comprehensive planning is determined independently by the municipality. The drawing up of detailed comprehensive plans is entirely voluntary.

  The municipality is also obliged to draw up a Detailed development plan for building development that cannot take place without a plan. However, the municipality makes an independent decision on when a plan should be drawn up. A land owner who wishes to exploit his/her land cannot file a complaint in a court or with superior authorities to force planning to take place.

3. Planning levels and specific aspects

Aspect / level	planning institution(s), scopebinding character	planning process	participation	plans	sectoral planning A	sectoral planning B	sectoral planning C	sectoral planning D……
national level	**The Government**	• Prepares proposals for legislation • Decides on ordinances for the application of laws • Decides on the distribution of resources for infrastructure investments • Decides on whether appealed plans can be formally established	• Public information • Directed hearings	• Does not produce any plans for the use of land and water areas	• Establishes plans for roads, railways, harbours, airports			
	Government agencies	• Provide advice and guidance for planning • Are responsible for the presentation of national interests in accordance with the Environmental Code • Draws up plans for roads, railroads, etc.	• Public information. • Public participation in infra-structure planning	• Do not produce any plans for the use of land and water areas	• Plans for roads, railways, etc that are both general in nature and preparatory for production	• Water, energy	• Education, health, social welfare, culture	

Aspect / level	planning institution(s), scopebinding character	planning process	participation	plans	sectoral planning A	sectoral planning B	sectoral planning C	sectoral planning D……
regional level	**County administrative boards**	• Advice and guidance for planning • Responsibility for providing details for the national interests according to the Environmental Code • Provides a statement for the comprehensive plan • Ensures that detailed development plans do not contravene national interests etc. • Deals with appealed detailed development plans	• General information to the public	• Do not produce any plans for the use of land and water areas	• Do not produce physical sectoral plans			
	County councils	• Are normally responsible for public transport • The Stockholm County Council is responsible for regional planning in the county	• Regional planning in Stockholm County follows detailed rules on public participation	• The regional plan in Stockholm County				

Aspect / level	planning institution(s), scopebinding character	planning process	participation	plans	sectoral planning A	sectoral planning B	sectoral planning C	sectoral planning D……
sub-regional/ local level	**The municipalities**	• Are responsible for the planning of land and water areas	• Follows detailed rules on public participation	• Produces comprehensive plans, detailed comprehensive plans, detailed development plans, area regulations and give building permits	• Also produces sectoral plans for housing provision, streets, water, energy, schools, etc.			