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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<sup>2</sup>, of which 410 934 km<sup>2</sup> 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 17<sup>th</sup> 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 17<sup>th</sup> 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 20<sup>th</sup> 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 17<sup>th</sup> 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

level \ aspect	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 17<sup>th</sup> 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:*

level \ aspect	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.