

Denmark

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Denmark is divided into five *regioner* (regions) with an average population of 1.1 million. The *regioner* were established in 2007 (Law No. 537/2005) to replace *amtskommuner* (counties). A 1970 reform reduced the number of *amtskommuner* from twenty-five to sixteen. Between 1974 and 1990, a *Hovestadsrådet* (metropolitan council) was established for Copenhagen and its surrounding areas. The *Hovestadsrådet* was shortly followed up by the *Hovedstadens Udviklingsråd* (Capital Development Council) between 2000 and 2007. Denmark also has two special autonomous regions, the Faroe Islands (in Faroe: *Føroyar*; in Danish: *Færøerne*) and Greenland (in Greenlandic: *Kalaallit Nunaat*; in Danish: *Grønland*).

Before the 1970 reform, *amtskommuner* had administrative authority over major roads, hospitals, and secondary schools but executive power over these policies as well as authority over courthouses and prisons rested with a centrally appointed prefect (*Amtmand*) who also chaired the county council (*amtsrådet*).^a The *amtskommuner* formed the intermediate tier between rural municipalities (*sognekommuner*) and the national government, except for cities and towns (*købstadkommuner*) where there was a single lower tier (Bogason 1987).¹ A reform in 1970 introduced a two-tier structure of *primærkommuner* and *amtskommuner* that included all *primærkommuner*. *Amtskommuner* also acquired additional administrative powers in the areas of social assistance, the environment, economic development, planning, and regional transport (Council of Europe: Denmark 1998, 2005; Law No. 615/1995). A county mayor (*amtsborgmestre*) elected by the council assumed executive authority and the role of the centrally appointed prefect was reduced to responsibility for family law and divorce (Bjørnå and Jenssen 2006; Blom-Hansen 2012; Lidström 2001a). With the 1970 reform, the score for policy scope of the *amtskommuner* increases from 1 to 2.

From 1950 until the abolition of *amtskommuner* in 2007 (discussed below), Copenhagen (*København*) and Frederiksberg were not included in the *amtskommuner* and they were municipalities that also exercised *amtskommuner* competences (Bogason 1991: 267–268). The two cities governed over almost 1.2 million citizens which was about 21 percent of the total Danish population. As municipalities the two cities were responsible for housing, libraries, primary and secondary schools, public transport, roads, town planning, and water (Harloff 1987, Humes and Martin 1969). Copenhagen and Frederiksberg score 2 on policy scope for 1950–2006.

In 1974, a *Hovestadsrådet* (metropolitan council) was established with indirectly elected

¹ The average population of *amtskommuner* has exceeded 150,000 over the period covered by this study.^a Dansk Center for Byhistorie. Den Digitale Byport. Danmarks lokaladministration 1660–2007. Artikler. “Amternes administration 1660–1970,” “Kommunalreformen 1970,” “Købstædernes administration 1660–1970,” and “Landkommunernes administration 1660–1970.” <<http://dendigitalebyport.byhistorie.dk/kommuner>>.

members from the municipal councils of Copenhagen and Frederiksberg and the *amtskommuner* councils of Copenhagen, Frederiksborg, and Roskilde (Bogason 1991: 269; Law No. 315/1984, Art. 2; Marcussen 1996). The *Hovestadsrådet* covered around 1.7 million citizens which constituted 32 per cent of the total population. The *Hovestadsrådet*'s main responsibilities were environmental planning, hospital planning, public transport, regional planning, and water supply (Council of Europe 1996; Law No. 315/1984, Art. 14; Marcussen 1996). During the second half of the 1980s, its competences were gradually transferred back to the member municipalities and *amtskommuner* and the *Hovestadsrådet* was abolished in 1990 (Law No. 191/1989; Marcussen 1996). In 2000, the *Hovedstadens Udviklingsråd* (Capital Development Council) was established which had responsibility for regional planning, regional business development, public transport, health cooperation, and regional cultural initiatives (Bogason 1991: 269; Law No. 354/1999, Art. 3; OECD 2009: 216). The *Hovedstadens Udviklingsråd* covered the same territory, had the same members, and had a similar institutional structure as its predecessor, the *Hovestadsrådet* (Law No. 354/1999, Art. 3; OECD 2009: 216). In 2007, the *Hovedstadens Udviklingsråd* was abolished and replaced by the *region Hovedstaden*, one of the five *regioner* (Law No. 537/2005).²

The *regioner*, which replaced the *amtskommuner* in 2007, are primarily responsible for health care and have limited additional responsibilities in regional development and educational and social institutions (Blom-Hansen et al. 2012; Chatzopoulou and Poulsen 2017: 283–287; Council of Europe: Denmark 2008, 2013; Indenrigs- og Sundhedsministeriet 2006; Law No. 537/2005, Art. 2; Mouritzen 2010, 2014; Vrangbæk 2010).^β Their responsibilities are less extensive than those of the former *amtskommuner*.³ With the 2007 reform, Copenhagen and Frederiksberg became single-tier municipalities and some of their competences were transferred to the newly established *Region Hovedstaden* (Council of Europe: Denmark 2005, 2013; Law No. 225/1967).

The Faroe Islands, or Faroes, were an integral part of Denmark until home rule in 1948 (Law No. 137/1948). The Home Rule Act contained an extensive list of de jure competences which the Faroese government could repatriate at its choosing, as well as a shorter list for possible negotiation (Law No. 137/ 1948, Arts. 2–3). The Faroese repatriated most matters on both lists over the following decades and gained authority in health, public welfare services, education, libraries, museums, nature conservation, roads, transport, agriculture, tourism, taxation, their own institutional set up, and local government. Residual powers and citizenship and immigration remained with the Danish government and policy decisions are not subject to central veto.

In 2005, two constitutional agreements granted the Faroes residual powers, while Danish central government was limited to a “negative list” of national competences which includes the constitution, citizenship, the supreme court, monetary and currency policy, and foreign, security, and defense policy (Dosenrode 2016; Law No. 578/2005). The home rule act also lists twelve

² Except for *Roskilde amtskommune* which became part of the *Region Sjælland*.

³ Between 2003 and 2007, the *Bornholms Regionskommune* was a unitary authority that merged five municipalities and the *Borholm amtskommune* after a positive outcome of a popular referendum on the island. Since 1 January 2007, Bornholm is a municipality that is part of *Region Hovedstaden* (Mouritzen 2010).

policy areas, among them border control and passports, to be devolved by mutual agreement. As of 2018, border control and passports had not been devolved, and so we continue to score 3 on policy scope.⁴ The government of the Faroes can join international organizations and conclude or renounce international agreements on exclusive Faroese affairs without prior Danish consent (Law No. 579/2005). A draft constitution with provisions for a future referendum on secession from Denmark has been debated since 2006 but has not been subject to a referendum for approval until 2018 (Dosenrode 2016).⁵ The Faroe Islands have never been part of the European Economic Community/European Union (EU).

Greenland was a Danish colony until 1953 at which point it became a Danish county (*amtskommun*) (C 1953). In 1979 it gained home rule under stipulations similar to those for the Faroes (Law No. 577/1978). Greenland acquired its own legislative and executive bodies and extensive authoritative competences in local government, taxation, social welfare, education, culture, health, and local development, as well as authority to conduct international relations on home rule matters. Residual powers and citizenship and immigration remained with the Danish government. Policy decisions are not subject to central veto. Greenland severed membership ties with the European Economic Community/ EU in 1985. A new Greenland self-government act was passed in 2009 (Law No.473/2009) which recognizes the *Kalaalit* (Greenlanders) as a people and creates the opportunity for Greenland to become an independent state. The Greenland government also has authority over natural resources and justice.

FISCAL AUTONOMY

From 1950–1972, the *amtskommuner* received over 90 percent of their revenues from a share of personal income tax. The *amtskommuner* gained the authority to adjust the rate of local income tax in 1973 (Bogason 1987).^a The remainder of their income came from a land tax for which the rate and base are set by the central government (Council of Europe: Denmark 1998, 2005).

Copenhagen (*København*) and Frederiksberg could set the rate of a personal income tax, a property tax, and a land tax (Bogason; 1991: 266; Harloff 1987; Humes and Martin 1969). The *Hovestadsrådet* and the *Hovedstadens Udviklingsråd* were financially fully dependent on contributions from the participating municipalities and counties (Council of Europe 1996; Law No. 315/1984, Art. 16; No. 354/1999, Art. 11; Marcussen 1996; Mouritzen 2014; OECD 2009: 216).

In contrast to the *amtskommuner*, the *regioner* have no right to impose taxes (Law No. 543/2005). General and specific central government grants represent around 80 percent of revenues, while contributions from municipalities and user fees make up the rest (Blom-Hansen et

⁴ The government of the Faroe Islands. “Act on the Power of Matters and Fields of Responsibility.” <<https://www.government.fo/en/the-government/act-on-the-power-of-matters-and-fields-of-responsibility/>>.

⁵ Nationalia. August 7, 2019. “Faroese constitutional referendum unlikely to be held in the short term.” <<https://www.nationalia.info/brief/11155/faroese-constitutional-referendum-unlikely-to-be-held-in-the-short-term>>.

al. 2012; Council of Europe: Denmark 2008, 2013; Vrangbæk 2010).

As a colony Greenland had no fiscal autonomy and between 1953 and 1979 Greenland receives the same score as *amtskommuner*. The home rule statutes of the Faroes and Greenland provide the regions with authority over base and rate of direct and indirect taxes (Law No. 137/1948, Art. 2; No. 577/1978, Schedule 3; No.473/2009, Art. 4).

BORROWING AUTONOMY

Amtskommuner, Copenhagen (*København*), and Frederiksberg have had limited borrowing autonomy. With prior approval of the minister of interior, they could borrow long term for the purpose of financing investments, but borrowing is restricted to 25 percent of the net outlays for investments (Council of Europe: Denmark 1998, 2005; Harloff 1987; Humes and Martin 1969; Pedersen 2002).^a The *Hovestadsrådet* and the *Hovedstadens Udviklingsråd* were financially fully dependent on contributions from the participating municipalities and counties (Council of Europe 1996; Law No. 315/1984, Art. 16 and No. 354/1999, Art. 11; Marcussen 1996; OECD 2009: 216).

The five *regioner* are dependent on intergovernmental transfers from local and central government (Blom-Hansen et al. 2012; Council of Europe: Denmark 2008, 2013; Law No. 543/2005).

As a colony Greenland had no borrowing autonomy, and between 1953 and 1979 Greenland receives the same score as for *amtskommuner*. With the passage of home rule, the Faroes and Greenland can borrow without restrictions (Law No. 103/1994, Art. 42; No. 1/1979).

REPRESENTATION

The councils (*amtsråder*) of the *amtskommuner* were directly elected every four years from 1950 until they were replaced by the *regioner* in 2007. From 1950–1969, the executive of the *amtskommune* was the *Amtmand* (prefect), a centrally appointed state official who also chaired the council (Bjørnå and Jenssen 2006). The county mayor (*Amtsborgmester*) was elected by the council from 1970 (Law No. 615/1995, Art. 6). Executive authority in the *amtskommuner* was exercised by a standing committee (*stående udvalg*) with five to seven members chosen from the council members and chaired by the county mayor.

Copenhagen (*København*) and Frederiksberg had directly elected councils (*byråd*) which elected a chairman (*borgmester*) who had executive power (Harloff 1987; Humes and martin 1969). The council of the *Hovestadsrådet* consisted of thirty-seven members who were indirectly elected among the members of the municipal councils of Copenhagen and Frederiksberg and the *amtskommuner* councils of Copenhagen, Frederiksborg and Roskilde (Law No. 315/1984, Art. 2; Marcussen 1996). The council of the *Hovestadsrådet* elected a chairman (*formand*) and vice-presidents (*næstformænd*) who held executive authority (Law No. 315/1984, Art. 12; Marcussen 1996). The council of the *Hovedstadens Udviklingsråd* consisted of eleven members, the chairmen from the Copenhagen and Frederiksberg municipal councils and the Copenhagen, Frederiksborg, and Roskilde *amtskommuner* councils plus six members elected by and from the five aforementioned councils (Law No. No. 354/1999, Art. 2). The council of the *Hovedstadens*

Udviklingsråd elected a chairman (*formand*) and vice-presidents (*næstformænd*) who had executive authority (Law No. 354/1999, Art. 6).

Regionsråder (regional councils) are directly elected every four years (Law No. 537/2005, Art. 3 and No. 173/2014). The regional executive consists of an executive committee (*forretningsudvalget*) led by the chair of the regional council (*regionsrådsformand*). Both the executive committee and the chair are chosen by the regional council (Law No. 537/2005, Art. 16). Regional councils are complemented by state administrative bodies (*statsforvaltninger*) that report to the ministry of interior and health. The state administrative bodies supervise (from a legal point of view) the regional and municipal councils and are responsible for tasks related to adoption, citizenship, and divorce, but they are not part of the regional executive (Bjørnå and Jenssen 2006; Indenrigs- og Sundhedsministeriet 2006).

As a colony, Greenland was subject to direct central rule. As a Danish county from 1953 to 1979, Greenland receives the same score as *amtskommuner*. From 1979, Greenland, like the autonomous region of the Faroe Islands, has a directly elected assembly, which chooses its own government (Dosenrode 2016). Elections are held every four years.

Shared rule

Regioner and the former *amtskommuner* do not play a role in national decision making, except for some county input on taxes. The *Hovedstadsrådet* and the *Hovedstadens Udviklingsråd* did not have shared rule. Denmark had a bicameral system until 1953, but the upper chamber did not have regional representation. The Faroes and Greenland, however, have extensive power sharing.

LAW MAKING

The Faroes and Greenland each have two directly elected representatives in parliament (*L1*) (C 1953, Art. 28). According to the statute of special autonomous regions, all national bills, administrative orders, and statutes of importance to the home rule authorities must be sent to the Faroes and Greenland for their opinion before they can be introduced in the Danish parliament (*L5*) (Law No. 137/1948, Art. 7; No. 474/2009, Arts. 17–18). In case of disagreement, the question is put before a board consisting of two members nominated by the Danish government, two members nominated by the home rule authorities, and three judges of the *Højesterets* (Supreme Court of Justice) nominated by its president (Law No. 137/1948, Art. 6; No. 474/2009, Art. 18).^β This arrangement falls just short of giving the islands a veto on legislation.

EXECUTIVE CONTROL

While the home rule statutes do not detail routine intergovernmental meetings, the Faroes and Greenland have a strong legal basis in their statutes which guarantees their involvement on issues of interest to them. The islands appoint attachés on Danish foreign missions, state their interests formally in third party negotiations, and, if authorized by the Danish government, may negotiate directly with third parties (Dosenrode 2016; Law No. 137/1948, Art. 8; No. 1/1979, Sections 15

and 16; No. 474/2009, Arts. 11–16).^β The prime minister of Denmark and the heads of the governments of the Faroe Islands and Greenland meet annually but there is no agenda and only few civil servants participate (Dosenrode 2016).

FISCAL CONTROL

Since the 1970s and until their abolition in 2007, *amtskommuner* had some influence over the distribution of national tax revenues in the context of non-binding negotiations between the central government, peak associations of *amtskommuner* (*Amtsraadsforeningen*), and municipalities. The Danish parliament reserves the right to take unilateral action, and has occasionally withheld tax revenue, limited grants, restricted loan access, or frozen liquidity (Blom-Hansen 1999). We do not consider this authority sufficient to reach a score of 1.^β

The Faroes and Greenland have full control over taxation and they have a veto on changes in the distribution of resources that might affect them.⁶

BORROWING CONTROL

The Faroes and Greenland do not participate in routine consultation on national or subnational borrowing.

CONSTITUTIONAL REFORM

Amendments to the home rule statute must be approved by both the island concerned and the Danish parliament (Rezvani 2014: 108 and 114).

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⁶ Statsministeriet. The Prime Minister’s Office. Departmental responsibilities. The unity of the Realm. “Faroe Islands” and “Greenland.” <http://www.stm.dk/_a_2956.html> and <http://www.stm.dk/_a_2957.html>.

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Self-rule in Denmark

| | | | Institutional depth | Policy scope | Fiscal autonomy | Borrowing autonomy | Representation | | Self-rule |
|----------------------------|--------|-----------|------------------------|-----------------|--------------------|-----------------------|----------------|-----------|-----------|
| | | | | | | | Assembly | Executive | |
| Amtskommuner | I | 1950-1969 | 2 | 1 | 0 | 1 | 2 | 0 | 6 |
| | I → II | 1970-1972 | 2 | 2 | 0 | 1 | 2 | 2 | 9 |
| | II | 1973-1989 | 2 | 2 | 3 | 1 | 2 | 2 | 12 |
| | II → I | 1990-1999 | 2 | 2 | 3 | 1 | 2 | 2 | 12 |
| | I → II | 2000-2006 | 2 | 2 | 3 | 1 | 2 | 2 | 12 |
| Frederiksberg | I | 1950-1969 | 2 | 2 | 3 | 1 | 2 | 2 | 12 |
| | I → II | 1970-1989 | 2 | 2 | 3 | 1 | 2 | 2 | 12 |
| | II → I | 1990-1999 | 2 | 2 | 3 | 1 | 2 | 2 | 12 |
| | I → II | 2000-2006 | 2 | 2 | 3 | 1 | 2 | 2 | 12 |
| København | I | 1950-1969 | 2 | 2 | 3 | 1 | 2 | 2 | 12 |
| | I → II | 1970-1989 | 2 | 2 | 3 | 1 | 2 | 2 | 12 |
| | II → I | 1990-1999 | 2 | 2 | 3 | 1 | 2 | 2 | 12 |
| | I → II | 2000-2006 | 2 | 2 | 3 | 1 | 2 | 2 | 12 |
| Regioner | I | 2007-2018 | 2 | 1 | 0 | 0 | 2 | 2 | 7 |
| Hovedstadsrådet | I | 1970-1989 | 2 | 1 | 0 | 0 | 1 | 2 | 6 |
| Hovedstadens Udviklingsråd | I | 2000-2006 | 2 | 1 | 0 | 0 | 1 | 2 | 6 |
| Føroyar/Færøerne | I | 1950-2018 | 3 | 3 | 4 | 3 | 2 | 2 | 17 |
| Kalaallit Nunaat/Grønland | I | 1950-1952 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| | I | 1953-1969 | 2 | 1 | 0 | 1 | 2 | 0 | 6 |
| | I | 1970-1972 | 2 | 2 | 0 | 1 | 2 | 2 | 9 |
| | I | 1973-1978 | 2 | 2 | 3 | 1 | 2 | 2 | 12 |
| | I | 1979-2018 | 3 | 3 | 4 | 3 | 2 | 2 | 17 |

Shared rule in Denmark

| | | Law making | | | | | | Executive control | | Fiscal control | | Borrowing control | | Constitutional reform | | Shared rule | |
|-------------------------------|------------------------|------------|----|----|----|-----|----|-------------------|---|----------------|---|-------------------|---|-----------------------|---|-------------|----------|
| | | L1 | L2 | L3 | L4 | L5 | L6 | M | B | M | B | M | B | M | B | | |
| Amtskommuner | 1950-2006 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Frederiksberg | 1950-2006 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| København | 1950-2006 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Regioner | 2007-2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hovedstadsrådet | 1970-1989 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hovedstadens Udviklingsråd | 2000-2006 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Føroyar/Færøerne | 1950-2018 | 0.5 | 0 | 0 | 0 | 0.5 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 4 | 8 | |
| Kalaallit Nunaat /Grønland | 1950-1978 1979-2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | 0.5 | 0 | 0 | 0 | 0.5 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 4 | 8 | |

National legislature has: L1 = regional representation; L2 = regional government representation; L3 = majority regional representation; L4 = extensive authority; L5 = bilateral regional consultation; L6 = veto for individual region. Total for shared rule includes the highest score of either multilateral (M) or bilateral (B).

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