

**Local government and the market**

**The case of public services and care for the elderly in Sweden**

Country report

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## **1. Introduction**

Local self-government is recognised as a distinctive feature of the Swedish political system ever since 1862, when the first Local Government Act was introduced. Sweden has comparatively a highly decentralised political system (Kuhlmann & Wollmann, 2014). Yet, Sweden is a unitary state, which means that the real world of local self-government is a negotiated order in the shadow of central government and the Parliament (*Riksdagen*).

In addition, “horizontal” relations are dynamically developing. An overall tendency has been expressed as “the market has entered into local government and local government has entered into the market” (Government Commission Report, 2015:24, p. 377). This means that while local government still is politically accountable for a wide range of services, the provision of these services has increasingly become contracted out and it also means that municipal owned companies has increasingly become actors on specific markets.

The aim of this chapter is to provide an overall view of changes in the regulation and management of public services, especially waste management, energy and public transport, and social services, especially eldercare, in recent decades. By way of introduction a short historical-institutional background is provided. A separate description of the development of public services and social services is subsequently provided, and finally some conclusions are drawn.

## **2. A brief history**

The expansion of welfare state services in Sweden can be reconceptualised as the expansion of municipal welfare (Lidström, 2011). Since the 1950s, local authorities (municipalities and county councils) have been more or less regarded as the most important institutions when it comes to implementing social and educational policies. Several decentralisation reforms have

made the municipalities more autonomous. At its height during the 1960s and 1970s, the annual growth in volume was around seven to nine per cent. 1992 was the first year in modern times when the volume declined. However, there has not been any substantial economic crisis for the local government sector. Municipal and county council expenditure accounts for about 25 per cent of GDP, a figure that has remained roughly the same since 1980. Revenues comes mainly from local income taxes (approximately 70 per cent) and the equalisations system (“Robin Hood tax”).

The development since the 1950s can be described in terms of three eras of change. The first was during the 1960s and 1970s when municipalities were amalgamated and turned into local welfare institutions with substantial financial, legal, political and professional resources.

Mainly as a response to this expansion and resource growth and to a rather massive critique of overall public bureaucracy, decentralisation measures were carried out expressed as a period of experimenting with “free communes” and also decentralisation reforms within municipalities (sub-municipal councils) during the 1980s, which is the second era of change.

In 1991 a new Local Government Act was introduced, which increased the freedom to organise political and administrative functions. Further more, decentralisation of responsibility for primary and secondary education was introduced in 1992 and there was a transformation of central government subsidies (from earmarked to general subsidies) in 1993. These reforms were not the end of the decentralisation wave, but it was a starting point for something new with distinguished features.

The late 1980s can roughly be described in terms of a transition period from ideas of how to improve a decentralised welfare state towards ideas of how to organise a decentralised welfare society. New ideas concerning freedom of choice for citizens and allowing and supporting the introduction of private providers of social services challenged “old” ideas of a

comprehensive public sector including a comprehensive local government welfare regime. Neo-liberal political forces supported this “liberalisation” turn, which not exclusively was represented by right-wing political parties but within the Social Democratic Party as well (Premfors, 1991).

Hence, since the beginning of the 1990s a third era of reforms can be identified. The overall direction has been movement towards the adaptation of market mechanisms as drivers for development (purchaser-provider split, competition, customer choice, privatisation and performance management), as well as increased demands for citizen involvement in handling complex policy matters and inter-municipal cooperation in order to cope with operational and strategic issues. Local government responsibility for welfare, education, economic development and broader issues related to sustainable development has increased, but also has central government control and supervision. Several changes that have taken place in legislation directed to municipalities and county councils can be regarded as adaptation to EU legislation.

During the 1990s several municipalities and county councils were adopting different NPM-measures, but when it comes to the number of private providers the development was moderate. An overall assessment was that local government adopted a light version of NPM (Montin, 2000). However, due to ideological and political changes and specific interpretation of how to adopt to EU-legislation competition became the new overall formula, which led to a significant increase in the number of private providers of social services. This market orientation have also affected the organisation of public services, for instance in terms deregulation (liberalisation) of several policy areas and an increasing number of municipal companies. In the next sections the development will be described, starting with public services.

### 3. Public services

Various concepts are used to define “public services” or “municipal services”. For instance, a distinction is made within EU legislation between “services of general interest” (SGI) and “services of general economic interest” (SGEI). The Swedish government have been very restrictive in defining services in this way. The EU vocabulary is not actually used within legislation. Instead, a rather strict competition regime was introduced (Wehlander & Madell, 2013). The argument has been that services in general (public services as well as social services) should not be provided by just one actor (monopoly), but by competing actors in the market.

Public service, such as municipal housing, water and sewage services, energy distribution, property management, public transport, tourism and private company services have to a large extent been transformed into municipal companies and many of them are acting in the market. There are several reasons to establish municipal owned companies. For example, they can act more flexibly and less publicly than an authority based on public law. However, discussions are continuously taking place concerning issues such as transparency and political accountability related to these companies. Changes have been made in the Local Government Act with the aim of enabling greater fulfilment of democratic values. In the mid-1990s the constitutional principle of public access to official documents (*Offentlighetsprincipen*) became applicable to municipally owned companies (more than 50 per cent ownership). The level of transparency in the companies is thus similar to that of ordinary public authorities. According to the LGA, they cannot in general be set up *principally* to make a profit, but they are allowed to make a reasonable surplus (the principle of prime cost, *självkostnadsprincipen*). In addition, municipal companies are generally bound to the principle of location (*lokaliseringsprincipen*), which means that their business must be connected to the area of the municipality.

Viewed over time, the number of municipal companies was reduced during the 1970s. In the subsequent period, corporatisation has increased in two waves. In an initial wave from the late-1980s to the mid-1990s a couple of hundred companies were established. The second wave started in 2007 and there are now about 1,800 municipal companies. Most companies are situated in larger cities and are mainly involved in private corporate services and property management. In terms of employment, the largest companies are in the areas of energy and water supply. The total turnover for municipal companies increased by 40 per cent between 2004 and 2013.

Municipal companies can be seen as “hybrid organisations”, especially those who are competing private companies. Approximately 60 per cent of all municipal companies meet competition from private companies (Swedish Competition Authority, 2014). Provision of public services by municipal companies have traditionally been defined as “conventional municipal business” and hence characterised as natural monopolies. Since the 1990s this is no longer the case. Within several policy areas there have been different kinds of liberalisation, which means that many municipal companies are actors on the marked equivalent to private companies. This is the case for public housing, energy provision, water management and public transports. Municipal companies within these policy areas are exempt from the principle of prime cost and the principle of localisation. Hence, several municipal companies are supposed to act in a business-like manner in a competitive environment and simultaneously contribute to the public interest (*allmänintresse*). This twofold mission may lead to conflicting goals, which is the case within municipal housing companies (Svärd, 2015). According to legislation from 2010 the companies are expected to act in the name of public interest, but also act according to “business-like principles”. What this actually means is that they are not allowed to increase the rent of an apartment above what it is worth (the principle of the utility value), but they are also expected to maximize their profit. This can be

viewed as an adaption of EU rules on state aid and implies that politicians have a double role: on the one hand, representing the public, and on the other hand representing the company as a profit-seeking actor. In the following three additional cases of liberalisation are examined: energy, waste management and public transport.

### **3.1 Energy**

Municipal companies are actors in markets along with private companies in distribution of electricity. Since the liberalisation of the Swedish energy market in 1996, profit-maximizing companies carry the main responsibility for distribution and investment in new electricity generation. Electricity consumers have (2014) about 122 different distributors to choose from (see, for example, [www.elskling.se](http://www.elskling.se)). The largest companies are E.ON (owned by a large German company), Vattenfall (owned by the Swedish state) and FORTUM (owned by the Finnish state), which together distribute electricity to more than 50 per cent of all customers. The rest of the distribution companies largely consist of municipal companies. To some extent this high concentration of ownership in the market has been regarded as inadequate (Swedish Energy Agency, 2006; Fridolfsson & Tangerås, 2011).

Liberalisation of the energy market also had impacts on the system of district heating (which stands for approx. 50 per cent of all heating of buildings and cover 270 of 290 municipalities). During the 1990s a third of all municipal districts heating assets were sold out (privatised) to private companies (mainly Vattenfall, E.ON and Fortum). None of these assets has been “re-municipalised”.

### **3.2 Waste management**

Another, somewhat different case is waste management, which also combines public and private actors. A privately owned system of extended producer responsibilities (EPR) is responsible for collecting and processing specific waste streams such as packaging and electronic equipment and batteries. Household waste management (which is not included in the EPR system) is, however a municipal responsibility (Corvellec *et al*, 2013). Municipalities decide themselves how household waste management is organised, as self-administration by municipal companies (which is the most common organisational setting), joint boards or municipal associations. Two or more municipalities can jointly own one company, which means that municipalities collaborate on improvements and coordinate their policies (Lindqvist, 2013). A municipal-owned waste management company enjoy a monopoly on household waste within the jurisdiction of their owner or owners and they can also compete with privately owned companies for all other waste (within the EPR system). Contracted private companies (procured by the municipality) perform the bulk of the household waste *collection*, but municipal companies do most of the waste *treatment* (recycling, biological treatment, energy recovery, incineration and landfill) ([www.skl.se](http://www.skl.se)). Of the more than 220 waste collection companies in the Swedish market, ten predominate (five municipal companies and five private companies). Household waste management is often connected to the municipal district heating system, which means that household waste is often used as fuel for district heating (incineration), which cover approximately half of all collected household waste, and (increasingly) waste is processed into biogas (Corvellec *et al*, 2013).

In 2012 a government commission (Government Commission Report, 2012:56) proposed a new structure of responsibilities in waste management. The main proposal was for municipalities to take over the responsibility for collection of packaging, newspaper and waste paper for recycling from the producers (producers of goods are responsible for recycling packaging and waste paper etc.) from the EPR system. However, the Swedish



Competition Authority considered that the proposal would end up in a monopoly situation. The proposal can be interpreted as a kind of “re-municipalisation” of the waste collection operation, however, in August 2014 the Alliance Government decided to maintain the system of private collection of waste for recycling arguing that this would stimulate further improvement of recycling based on economic incentives rather than public authority.

### **3.3 Public transport**

Public transport is a policy area characterised by continuously change. Several deregulations and re-regulations have been implemented since the 1970s. At local and regional level municipalities and county councils established jointly owned limited companies during the 1980s in order to coordinate their actions as principals for local and regional public transport (Government Commission Report, 2003:67). Beside general public transport, it also includes transport for specific groups (such as mobility service for old and disabled persons, school transport and transportation of patients). In general, the operation of public transport has changed from predominately public owned transport companies to private companies in the 1990s. After joining the EU further market oriented reforms (liberalisation) have been introduced while simultaneously regulate passenger rights.

In accordance with new legislation from 2012 (the Public Transport Act), county-based public transport authorities were replaced by 21 regional public transport authorities tasked with making strategic political decisions on the development of public transport based on a large-scale overview (Swedish Transport Association, 2013). This new authority has its base within local and regional government and can be a region, a county council, a regional association or an inter-municipal association. The regional public transport authorities do not, however, purchase actual transport. This function still lies with municipal transport companies. In addition, a market for commercial bus traffic within regions has simultaneously opened up,

enabling for-profit bus companies to set up bus services anywhere. This means that in counties where municipal and county council owned transport companies had a monopoly position in bus traffic they now compete with private bus companies. In sum, the liberalisation of public transport in Sweden is gradually replacing political steering by market mechanisms (Swedish Transport Agency, 2013)

#### 4. Social services

Contracting out social services started in the 1990s and a further expansion took place in the eve of the new millennium. There are several ways to measure this development. One way is to account for the number of employees in different sectors. From table x it can be concluded that employment in private for profit companies within education, health care and social services (elder care and other forms of public financed individual care taking) have increased significantly.

Table x Employment by sector within education, health care and social services 2000 and 2012 (number of employees).

	<i>2000</i>	<i>2012</i>
County Councils	222 910	226 739
Municipalities	623 019	633 723
Private (for profit) companies	90 356	221 820
Not for profit organisations	36 220	39 353

Source: Swedish Statistics.

Although the role of “civil society organisations” (including non-profit organisations) as preferable providers of social services have been emphasised since 2006, the actual development has not entered this direction. For instance, in 2010 about 13 per cent of social services for old and disabled people was provided by for-profit companies while only 1.5 per cent was provided by non-profit organisations (Swedish Agency for Economic and Regional Growth, 2012). There are an increasing number of “social enterprises” entering the social

welfare market but these compete on the same terms as other private companies (European Commission, 2014).

#### **4. 1 Eldercare**

Historically, municipal eldercare has developed out of the responsibility for arranging homes for old and poor people in the 17<sup>th</sup> century. Modern eldercare can be dated from the 1950s, when municipal care at home was introduced.

Eldercare services in Sweden shall be provided on a universal basis, which means comprehensive, publicly financed and high quality services should be available for all citizens according to their needs rather than their ability to pay. Approximately 85 per cent of eldercare funding comes from municipal/county council taxes, while another 10 per cent comes from national taxes. User fees only covers 5-6 per cent of the costs (Erlandsson *et al*, 2013). For several decades, official eldercare policy has focused on home-based care (home help services). Special accommodation should only be considered when no other options are available, and it should be as home-like as possible.

Providing care for the elderly is still ultimately a municipal responsibility. Local government's overall political responsibility for private provision of public services is regulated in the Social Services Act (*Socialtjänstlagen*) and the Medical Services Act (*Hälso- och sjukvårdslagen*), as well as regulations drawn up by national government agencies (such as the Swedish National Board of Health and Welfare, NBHW). The very idea of having municipalities take responsibility for different kinds of welfare functions represents local democratic control and proximity between the actual service provision and those who are politically responsible for making the provision in accordance with local needs. This means that municipalities are entitled to design social care services for the elderly that are adapted to local conditions.

From the 1970s to the 1990s, municipal care for the elderly was regarded as an exclusively public (municipal) matter, involving public financing and provision. During the 1980s, decentralised administrative management in terms of increased responsibility for managers at different levels became of prime importance in all policy areas, including eldercare. Arms-length political control was introduced, including management by objectives (MBO), management by results (MBR), and purchaser/provider models. According to these models, politicians should be able to focus on strategic issues rather than on time-consuming day-to-day politics. Today nearly all municipalities have some kind of MBO/MBR, and most municipalities use some kind of internal contract system (sometimes still called the purchaser/provider model).

Along with this internal managerialism, initiatives were gradually put in place to increase management autonomy by contracting out welfare services. Outsourcing of care for the elderly (and the disabled) has been continuously expanded since the beginning of the new decade.

Between 2000 and 2010, private provision of care for old and disabled people (home services and special accommodation) increased by approximately 12 per cent. The most extensive changes have taken place during since 2006. The proportion of all old people in private special accommodation was 21 per cent in 2014, compared to 14 per cent in 2007. In terms of hours for home help services for old people, private provision increased from 13 per cent in 2007 to 25 per cent in 2014 (National Board of Health and Welfare, 2015). Private alternatives within care for the elderly were initially a uniquely metropolitan phenomenon (Stockholm), but they have gradually spread to adjacent suburbs and larger cities, and subsequently to smaller cities. Nevertheless, in 2012 half of all municipalities (mostly smaller ones) provided their own eldercare. On the other hand, some municipalities have put all eldercare into the hands of private providers (ESO, 2014). This policy diffusion cannot be

explained simply by referring to a right-wing political majority, but is the result of an intertwined complexity of ideological and economic factors and geographical proximity (Stolt & Winblad, 2009).

Municipalities are not obliged to contract out home help services or special accommodation, however, if that is what they decide to do, they have to follow the rules of public procurement (Public Procurement Act), which states that there has to be competitive tendering. Alternatively, another piece of legislation (“system of choice”) can be used, which entitles service consumers to choose accredited and listed private help service providers (see below).

The private providers consist mainly of fairly large for-profit companies. Privatization of eldercare in Sweden thus represents a shift in policy from non-profit municipal organisations towards for-profit global venture companies (Stolt *et al*, 2011). In this context it should be mentioned that when “freedom of choice” was launched nationally by the right-wing government, as an important reform to enhance quality in health care for old people, it was assumed that there would be a large number of non-profit organisations providing elder care. However, due to the fact that it is hard to provide any precise quality criteria, the price of the services becomes the most important criteria and smaller companies and non-profit organisations are not able to compete with the big ones, which have thus far turned a rather good profit in selling care to municipalities.

In order to make it easier for municipalities and county councils to introduce consumer choice instead of outsourcing, a new legislation called “system of choice” was introduced in 2009 (*LOV, Lagen om valfrihet*) (Swedish Competition Authority 2012). System of choice entails a procedure where the individual is entitled to choose which of the suppliers with which a contracting authority (municipality and county council) has approved and concluded a contract should perform the home-help service (Erlandsson *et al*, 2013). There are no

restrictions on how many providers can be approved. This means that the providers have no guaranteed customers. Private service providers in accordance with LOV can supply supplementary services at a market price to “top up” subsidised municipal eldercare, which municipal providers not are allowed to do. LOV can basically be applied for all social services, home-based as well as residential. This legislation is compulsory for county councils but voluntary for municipalities. In 2014 a Government Commission suggested that all municipalities should be obliged to create conditions that enable users to choose between various providers of home-help services. Approximately 180 of the 290 municipalities had introduced this system in 2014.

Market-oriented reforms within eldercare have transformed the role of local government from being the only provider towards a situation of being both purchasers and providers. This means that municipal politicians and professionals have act “competition neutral” in the sense that “in house” providers and private competitors shall be treated equally.

### **5. Re-municipalisation?**

For many years there has been a mixture of public and market-oriented institutional arrangements within public services. Municipal companies are themselves hybrids of politically controlled bodies and market operators. Except for district heating constructions there has not been any real privatisation within the area of public services. Instead, within the frame of the liberalisation process stated in the 1990s municipal companies has become actors on the market together with private for-profit companies on equal terms. Continuously, new regulations have been put in place in order to facilitate competition within public services. Some initiatives have been taken in order to increase municipal control. For instance, in 2014 a proposal suggesting that municipalities should be given formal authority in waste

management. However, this proposal was turned down by the Alliance Government, which argued in favour of continuing market governance.

Re-municipalisation of eldercare in Sweden is taking place sporadically, however, there does not (yet) seem to be a wave of re-municipalisation of previously contracted out eldercare. As there is no systematic overview of re-municipalisation, it is only possible to highlight specific cases where for different reasons municipalities have withdrawn the management of special accommodation from private providers. An overview gives the impression that there have been a growing number of cases where individual special accommodation has been taken back from Attendo, Carema and other private providers. Examples can be found in approximately 10 to 15 municipalities. There are also a few cases where municipalities have withdrawn LOV-options, i.e. replaced private providers with municipal providers of home help services. After the election in September 2014, the minority government consisting of the Social Democratic Party and the Green Party announced an “end to profit-making within welfare”, which means that private welfare and education companies should not be allowed to have profit-making as an aim. All surpluses should be put back into the business. This is supposed to bring “order” into the welfare system. However, the idea of an end to profit making will first be investigated over a period of two years. A Government White Paper is planned for completion in 2016, and it will subsequently have to be passed in the Swedish Parliament, which might be problematic because the alliance parties have clearly stated that they will not support it.

## **6. Concluding remarks**

The political system in Sweden comprises a strong state and strong local government. Decentralisation has been a trademark of developments since the 1970s. However, especially since the EU-membership in 1995 there has been a development that can be described in

terms of the market entering local government and local government entering the market. An ideological change was gradually developing during the 1990s towards competition as the idea of how to organise public services and social services (welfare).

Municipal companies producing public services are to be seen as hybrids in the sense that they are representing the public, and representing the company as a profit-seeking actor. This is especially evident in the cases of public housing, waste management, electricity provision and public transport. There are no tendencies towards re-municipalisation of public services in Sweden. One reason is that there has not been any substantial privatization, except for the case of district heating companies. In this case there are no signs of re-municipalisation. There is no obvious political-ideological tension between left and right concerning the role of municipal companies as market actors or the marketization process within public services.

Comparatively, regarding social services there are political-ideological tensions. This is expressed in the general discussion concerning profit making in welfare services and education. With respect to elder care some municipalities, mostly with left-wing majority, have withdrawn the provision of services from private companies. However, the idea of viewing competition as an overall appropriate mechanism for developing efficiency and quality in services has not been challenged. In March 2015 the left-green government appointed a commissioner to suggest new regulations the possibilities of profitmaking within welfare services by the end of 2016.

The Swedish way to adapt to the EU competition rules and the state aid rules can be regarded as rather thorough, especially since 2006 when the right-wing Alliance took over the government. For instance, when a municipality wants to start any services of general economic interest within the frame of its “general powers” for what is politically regarded as of “general interest” it should first investigate if this activity could be handled by actors



already at the “market”. If this is not the case (“market failure”), then the economic activity can be legitimate managed by the municipality. In accordance to this logic a government commission has recently proposed a change in the Local Government Act saying, “local government should act competition neutral” (Government Report, 2015:24, p. 38).

The development of local government in Sweden since the 1980 consists of both continuity and change. Municipalities and county councils still have considerable political, financial, professional and legal resources. Formal institutionally, only small changes have taken place. When it comes to provision of social services, municipalities still dominates as providers. This being said, since the 1990s there have been changes, which can be interpreted as a liberalisation movement towards an institutional mix of public and private providers framed by a traditional values of national equity but also a strong reliance on market mechanisms. Especially during 2006 to 2014 competition have more or less been defined as a panacea for every policy area.

If *evidence of continuity* is highlighted historical institutionalism focusing on path dependence seem an obvious candidate for explaining the development (see introductory chapter by Wollmann). However, another interpretation can be made if *evidence of change* is under focus. Especially concerning eldercare the introduction of market principles represent a major challenge to the tradition of municipal provision. In that case it is reasonable to talk about gradual institutional change where dominant “change agents” (e.g. political parties and government agencies) manage to implement old rules (e.g. competition) in new ways (e.g. stronger impact) (Mahoney & Thelen, 2010). Gradually the market has entered into local government and local government has entered into the market.

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