

# Digitization as a Factor in Lobbying and Public Involvement in the Approval of Legal Acts in Latvia

**Kristaps Klauss**

Faculty of Business Administration  
Turība University  
Riga, Latvia  
[kristaps.latvianwood@gmail.com](mailto:kristaps.latvianwood@gmail.com)

**Raivis Kronbergs**

Faculty of Business Administration  
Turība University  
Riga, Latvia  
[raivis.kronbergs@mk.gov.lv](mailto:raivis.kronbergs@mk.gov.lv)

**Renate Cane**

Faculty of Business Administration  
Turība University  
Riga, Latvia  
[renate.cane@gmail.com](mailto:renate.cane@gmail.com)

**Abstract**— The opportunity for the public to give their opinion and follow the development of legislation is not only a practice of full-fledged democracy and good governance, but also an opportunity for the public administration to obtain information, knowledge and analysis that it did not have access to. The aim of this study is to analyse the impact of digitisation on representation of interests and public involvement in the development of legislation in Latvia. The analysis of quantitative and qualitative data explored 4,943 legislative advancement processes in the Single Portal for Development and Harmonisation of Draft Legal Acts (TAP portal) between 2018 and 2024. Digitization of the final phase of the development of legal acts, i.e. public discussion and coordination in Latvia allows to assess: 1) how actively society is involved; 2) who does it – simple citizens or professional organizations; 3) whether digitization has increased public involvement; 4) whether public involvement significantly slows down decision-making.

The results show that the infrastructure of the TAP Portal has successfully promoted the involvement of organized interest groups in the process of harmonization of legal acts, mainly in the form of legal entities and associations. The participation of private individuals is small. The original objectives of the TAP Portal have been exceeded as it has been used by more than 600 different types of actors. At the same time, the hypothesis that organised groups significantly slow down decision-making processes was not confirmed; the length of decisions is more influenced by the political agenda and the nature of the legislation.

The study confirms the role of the Single Portal for Development and Harmonisation of Draft Legal Acts as an important platform in promoting transparency and efficiency in the development of legal acts. The authors recommend continuing to promote the use of this portal among interest groups, as this would enhance both

transparency of the process and balanced representation of interests in the legislative process.

**Keywords**— digital platforms for public participation, lobbying, legislation development, public governance.

## I. INTRODUCTION

Many experts in politics point to the contribution of the representative of positive interests to the transfer of information and knowledge to decision-makers [1], [2]. This is also confirmed by the research carried out in Latvia by A. Zanderes as part of his master's thesis, in which the interviewed current and former ministers and high-ranking officials state that “the contributions of lobbyists should be preserved in relation to the provision of information and data in the discussion process and in the course of decision-making.” [3]. What decision makers want and also use is analytics, expertise and explanations [4]. Obtaining and processing such information is a resource-intensive process. Therefore, decision-makers are happy to use the support provided by lobbyists, because they not only analyze and synthesize, but also summarize in a user-friendly form [5].

In addition, it is desirable to turn this information into a specific wording, which can also be referred to publicly. For example, in the case of Latvia, it is the Single Portal for Development and Harmonization of Draft Legal Acts (or TAP portal). Even more, it is pointed out that without using the opportunity to post their proposals on the given portal, decision makers may get an idea of the lobby's superficial approach to the issue under consideration [3] or the desire of lobbyists to hide and not publicly defend their interest.

Lobbyists can be conditionally divided into three groups: 1) representatives of individual interests; 2)

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representatives of group interests representing a "defined area"; 3) representatives of group interests representing a wide range of interests [1]. Examples of the first group include company representatives or natural persons who are directly interested in the specific decision or outcome. The second group includes industry professional organizations, such as the Latvian Forest Industry Federation (mainly specialized in representing the interests of the forest industry) or the Latvian Ornithological Society (mainly specialized in improving the living environment of wild birds). This does not mean that they do not express an opinion or expertise in other issues as well, however, the range of their competences is apparently defined in advance and outside of their competences, they engage in discussions relatively rarely. The third group includes think tanks such as Public policy think tank PROVIDUS and Latvian Formula 2050. Think tanks can also provide expertise or fight for the outcome of a specific issue, however, they cannot be expected to represent years in a specific area.

The less individuals (whether that means a number of companies or individuals) are represented, the more likely it is to express a very selfish view and not take into account the interests of the whole. Even if equally selfish and rational (from the point of view of their interests) individuals form a large group, there is a very high probability that individual interests will conflict with each other and the group's overall group compromise is much closer to the interests of the whole or society. At the same time, a large group may under-represent or even come into conflict with one (or some) individuals of this group [6], which is why a member or members of an organized interest representation organization (for example, an association) expresses a different or even contradictory message than that expressed by the representative organization itself. However, discussions within the group significantly increase the quality of the group's external message and reduce the probability that an ideal but unrealistic solution will be offered, or as defined by Harold Demsetz, the "Nirvana fallacy". The "Nirvana approach" is significantly different from the "comparison method", because the first tries to prove why any alternative, compared to the "ideal solution", is in some way imperfect and will not achieve the maximum desired result, while in the "comparison method", the one that best achieves the goal is chosen among several imperfect but realistic alternatives [7].

Digitization not only affects formal bureaucratic structures, it creates new forms of accountability in public sector organizations. It creates new ways of traceability and also increases accessibility [8]. Thanks to digitalization, it is also possible to analyze the processes of interest representation or lobbying in the Latvian state administration, which affects the public discussion and coordination of legal acts before viewing in the Saeima or the Cabinet of Ministers.

## II. MATERIALS AND METHODS

The study uses both qualitative and quantitative research approaches. Secondary data analysis was used in the quantitative research approach, document analysis was used in the qualitative research approach. The empirical basis of this study is the information on the progress of legal acts available in the Single Portal for Development and Harmonization of Draft Legal Acts (TAP portal). In total, the study analyzed 4,943 legislative processes. Of these, 14 cases refer to the period from 2018 to 2020. On the other hand, 522 legislative acts were initiated in 2021, 1,695 in 2022, and 1,433 legal acts were initiated in 2023. By December 10, 2024, 1,279 legislative developments were recorded. Information on 20 different types of legislation is available on the TAP portal. However, the analysis shows that the four most common types of legislation account for 95% of all registered documents. The most represented are 2,219 draft regulations, including amendments, as well as 1,174 draft orders, incl. 88 their amendments. Also, a significant part is made up of 701 informative reports and 601 initiatives of the Cabinet of Ministers for the Saeima to make changes in laws.

Although legal acts have the opportunity to receive comments, this does not mean that this option is always utilized. Consequently, there are legal acts in which no public comment has been submitted by public comment submitters, as well as those in which the same submitter has provided comments repeatedly during each consultation process. Given that a specific public comment submitter's objections often recur from one consultation procedure to another, the study assumed that—even if objections are submitted multiple times—they are counted as a single public comment. The same approach applies to positive public comments. However, if in one consultation procedure a public comment submitter expresses an objection and in another procedure the same submitter provides a positive comment, then, within the framework of the study, these are regarded as two distinct public comments. Furthermore, if a public comment submitter has indicated an intention to submit a comment but fails to do so within the designated time period, that instance is automatically considered as implicit approval by default.

Latvian legal acts give the right to participate in the development of legal acts to all its citizens and organizations. For example, the regulations of the Cabinet of Ministers "Procedures for the Public Participation in the Development Planning Process" state that "Public participation shall be implemented by formal (for example, associations, foundations, trade unions, employers' organisations, religious organisations) and informal (unregistered initiative groups, interest associations) groups of the public, as well as individual natural persons." [9]. State Administration Structure Law also states that "institutions shall involve public representatives (representatives of public organisations and other organised groups, individual competent persons) in their activities by including such persons in working groups, advisory councils or by asking them to provide public comments." [10].

Of course, the expression of public comments, which is regulated by the above-mentioned regulations of the Cabinet of Ministers, can be distinguished from more regular involvement in the work process, which is regulated by the State Administration Structure Law, however, the authors' empirical observations over many years lead to the assumption that, with the exception of the participation platform ManaBalss.lv, the rest of the infrastructure is basically designed with organized interest representation in mind. In order to test the hypothesis that public participation in the development of specific legal acts is basically implemented by organized representation of interest or lobbying, the public project data analysis of the TAP portal will be used. Two hypotheses are put forward:

(H1) "Infrastructure is built" and it is basically used by organized representations (organizations).

(H2) This organized representation is basically lobbyists or, according to Latvian legislative terminology, interest representation organizations.

Organized representation will be considered the criteria of formal representation in the regulations of the Cabinet of Ministers "Procedures for the Public Participation in the Development Planning Process", namely associations, foundations, trade unions and their associations, religious organizations, residents' councils [9], supplementing them with merchants and other legal entities that are not directly under the ministries. For example, public comments are given by both local governments and law enforcement agencies, but such organizations will not be considered as representatives of society in the context of the study. The opposite interpretation will be given to derived public entities, such as higher education institutions, Bank of Latvia (Latvijas Banka), capital companies owned by the state and municipalities, as well as associations uniting municipalities and cities, because they are not directly subordinate to ministries and act with similar motives as public groups.

On the other hand, the threshold for the representation of interests will be used in accordance with the criteria of the "Law on Transparency of Interest Representation", namely "systemic representation of interests is representation of interests carried out at least three times within 12 months of the representation of the first interest." [11], so that representation of interests is framed as systematic and can therefore be called lobbying. It should be noted that none of the exceptions mentioned in this law, which cannot be considered as the representation of interests, are applicable to communication on the TAP portal.

As one of the goals in the creation of the TAP portal was to transfer the public discussion of legal acts to this website, that is, in three years (from the fall of 2021), to reach the level that at least 85% of all submitted public comments have taken place through the TAP portal [12]. According to the authors, this not only increases productivity by reducing the proportion of technical (non-automated) activities, but it also increases the transparency and traceability of the legislative process. Within the

framework of the project, a goal was set that at least 50 non-governmental organizations would use this website [12]. The authors assume that this number was not chosen randomly and describes the number of social partners and representation of interest at that time. Therefore, the hypothesis will be tested:

(H3) The creation of The Single Portal for Development and Harmonization of Draft Legal Acts (TAP portal) has a positive effect on wider public involvement in the development and adoption of legal drafts.

To test this hypothesis, the number of involvement of non-governmental organizations involved in the harmonization process and the development of the extent of involvement over time will be analyzed, assuming that the hypothesis will be confirmed if the involvement exceeds the 50 mark.

In good faith, it should be assumed that the main goal of public participation is to develop the highest possible quality legislation, taking into account all interests, that is, decision-makers gain more knowledge or information that allows them to develop regulation that maximizes the desired benefit and minimizes the undesirable side effects of regulation. It should also be assumed that a draft legal act that has gone through public consultation should be at a high level of readiness, as the various interests have already been evaluated. Therefore, the coordination process should primarily involve government institutions to align terminology, prevent contradictions with other legal acts, and ensure consistency with policy planning documents.

Given the extensive experience and competence of civil servants, this should not have a significant impact on the overall duration of the decision-making process. However, the tactic of interest representatives to strengthen with arguments those decision makers with whom the views or political agenda coincide can lead to the phenomenon: "the equality of interest representation is threatened without even ignoring or rejecting the participation of any interest representative" [5]. Namely, by strengthening the interests of one party, the consideration of other interests, including the right to adopt or change the legal framework in a timely manner, is reduced either unintentionally or with deliberate tactics. Therefore, the hypothesis will be tested:

(H4) The involvement of interest representative organizations in the process of harmonization of legal acts significantly slows down the speed of decision-making.

In order to clarify this, the duration of decision-making between the public consultation and the start of the harmonization process will be analyzed, as well as the regularity of the time that elapses between the conclusion of the harmonization process and the consideration in the Cabinet of Ministers, depending on how the harmonization stage has gone.

### III. RESULTS AND DISCUSSION

The analysis convincingly proves that interest representation groups are basically involved in the harmonization of the legal act. There are also rare cases

when, for example, objections to the “The Fifth National Open Government Partnership Action Plan of Latvia 2022–2025” have been raised by first-year students of the Master's program in Public Administration at the University of Latvia's Faculty of Business, Management, and Economics. However, for the most part, these objections come from associations, foundations, trade unions, or other legally established organizations.

State-based entities, such as the Public Utilities Commission of Latvia, the Bank of Latvia, the National Electronic Mass Media Council (NEPLP) and the Society Integration Foundation, who have issued a total of 471 public comments, are also very active in providing their public comments. Higher education institutions are also active. Among the businessmen, the representatives of the energy industry are the most active, for example JSC “Conexus Baltic Grid”, JSC “Gasol”, JSC “Latvenergo” and JSC “Sadales tikls” have provided a total of 132 public comments. On the other hand, the involvement of private individuals is very rare, and even then, it should be assessed on whose behalf it is done.

Out of 12 submitted State-based entities, such as the Public Utilities Commission of Latvia, the Bank of Latvia (Latvijas Banka), the National Electronic Mass Media Council (NEPLP) and the Society Integration Foundation, who have issued a total of 471 public comments, are also very active in providing their public comments.

8 were provided by representatives of religious organizations—the Dean of the Aglona Basilica parish and the Bishop of the Rezekne-Aglona Diocese of the Roman Catholic Church. It is very likely that these should be classified as organized representation of interests, which would only further strengthen the evidence that the hypothesis “(H1) “infrastructure is built” and they are based on organized representation (organizations)” has been fully confirmed.

TABLE 1 PUBLIC COMMENTS SUBMITTERS (2018-2024)

Public comment submitters	Total		3 and more public comments have been given	
	Number of persons	Number of public comments	Number of persons	Number of public comments
Organized representation of interests, mainly associations	387	7257	151	6970
Individual – legal entities	161	909	31	755
Individual – private persons	4	12	2	9

However, looking at Table 1, the hypothesis “(H2) this organized representation is basically lobbyists or, according to Latvian legislative terminology, interest representation organizations” is only partially confirmed. In terms of the number of public comments, the organized representation has given 95% opinions. Even if state

derived persons, such as higher education institutions, the Bank of Latvia, the Public Utilities Commission of Latvia, the Bank of Latvia, the National Electronic Mass Media Council and others, are deducted, which might not conform to the legal characteristic that they act “in their own interests or in the interests of other private individuals”, similarly, close to 90% of public comments will come from organisations that have issued opinions 3 and more times in a 12-month period. However, in terms of number, such organizations correspond to only 33% of public comments submitters. It is important to note that in the sense of the “Law on Transparency of Interest Representation”, providing official public comments is only one of the direct or indirect forms of communication that qualifies someone as a representative of interests. In 2015, the “Dienas Bizness” portal published a list of the most influential lobby organizations representing the interests of merchants [13]. Although some have changed their names and possibly their influence, all are still active. However, a significant part of them would not be classified as an interest representation organization if the only feature were involvement through the TAP portal.

TABLE 2 THE ACTIVITY OF THE “MOST INFLUENTIAL LOBBIES” (2018-2024)

The number of public comments registered in TAP portal per organization	Number of organizations	Total number of public comments in this group
0-2	6	8
3-9	11	52
10-50	6	149
51+	4	1652

However, empirical observations show that due to working groups and other forms of direct or indirect communication with public officials, they would be unambiguously classified. Most likely, the low activity on the TAP portal is explained by the operating style of these organizations and the widespread belief that the harmonization process is basically meant with ministries and other state institutions. Clause 58 of the Rules of Procedures of the Cabinet stipulates: “Ministries or other authorities shall agree upon the draft by providing an opinion. The opinion shall be provided on each draft individually.” The term “institution” is not defined in detail in the Rules of Procedures of the Cabinet, but contextually it covers all public administration units that are responsible for specific areas or policies that the relevant legal act may affect. Therefore, many interest representatives do not consider it a sufficiently effective way of realizing their interests. At the same time, many other influential interest representatives (lobbyists) act in the opposite way, and not only in situations where they oppose a specific legal act. Surprisingly, numerically twice as much support has been given for the progress of the specific legal act than objections have been expressed. Moreover, this practice is not only between state institutions, but also among interest representative organizations.

TABLE 3 BEHAVIOR OF THE MOST ACTIVE PUBLIC COMMENT SUBMITTERS (2018-2024)

Name	Number of public comments	
	Oppose	Agree
Latvian Association of Local and Regional Governments (LALRG)	572	1279
Employers' Confederation of Latvia	315	585
Latvian Association of Large Cities	264	455
Latvian Chamber of Commerce and Industry (LCCI)	146	357
Latvian Trade Union of Education and Science Employees (LIZDA)	79	291
Free Trade Union Confederation of Latvia	85	236

The information presented in Table 1 clearly shows that the initial goal of the TAP portal, that this website will be used by at least 50 non-governmental organizations, has been strongly exceeded, therefore the hypothesis “(H3) The creation of The Single Portal for Development and Harmonization of Draft Legal Acts (TAP portal) has a positive effect on wider public involvement in the development and adoption of legal drafts.” has been confirmed. During the entire period, more than 600 non-governmental organizations, businessmen and private individuals have used it. In Figure 1, the bars represent the quarterly dynamics, showing how many new public comment submitters have appeared compared to the previous quarter or, conversely, how many did not submit public comments in this quarter compared to the previous one. The broken line describes the total number of public comment submitters, excluding ministries, while the black continuous line describes the cumulative number of unique public comment submitters since the launch of the TAP portal. Given that several influential interest representative organizations have still been relatively inactive on this portal but are gradually increasing their participation, the number of regular users is expected to grow in the future.

In order to test the hypothesis: “(H4) The involvement of interest representative organizations in the process of harmonization of legal acts significantly slows down the speed of decision-making.”, only those legislation with a record of decision-making in the government were selected. This was a total of 4043 out of 4943. Another 4 legislation were excluded from the analysis, where it was likely that incorrect information was given either about the time of harmonization or adoption, because the decision was of an earlier date than the harmonization. Following each type of legislation, a correlation was calculated separately between the duration of decision-making (time period between the date of the first coordination and the date of decision-making) and whether at least one interest representative raised an objection. Similarly, the correlation was examined when, instead of public comment submitters providing objections, those providing positive public comments were considered.

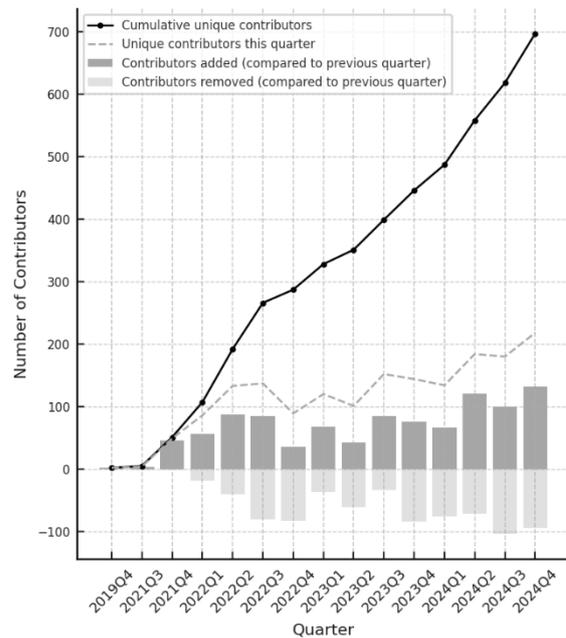


Fig. 1. Dynamics of public comment submitters in TAP portal (2019-2024).

It should be noted that one legal act of the type “Draft protocol decision of the meeting of the CM (Cabinet of Ministers)” had an observable correlation of 0.99, but this does not leave an impact on the hypothesis evaluation, because, firstly, it is numerically underrepresented (n=9), and secondly, it is of a very technical nature. For hypothesis evaluation, types of legal acts, each with a large set (n>100), were selected. In total, there were 4 types of legal acts: 523 informative reports, 428 draft laws, 1902 CM regulations and 917 CM orders. Each of these pieces of legislation had sufficient “no objection” representation. The smallest share, or 52%, was for legal drafts, while the largest share, or 91%, was for draft orders, which progressed through coordination without objections from representatives of “non-ministries”. Table 4 shows the obtained correlations, which clearly show that the hypothesis: “(H4) The involvement of interest representative organizations in the process of harmonization of legal acts significantly slows down the speed of decision-making.” has not been confirmed.

TABLE 4 CORRELATION BETWEEN DECISION-MAKING DURATION AND TYPE OF PUBLIC COMMENTS

Type of legislation	Correlation between decision-making duration and type of public comments	
	Agreement	Objection
Informative report	0,28	0,26
Draft law	0,19	0,16
Draft Rules	0,20	0,25
Draft order	0,21	0,02

The strangest thing about these obtained results is that the presence of agreement, which should have a positive

effect on the speed of decision-making, seems to have worked in the opposite way, and in most cases even more negatively, than objections. It was checked whether the results are not influenced by a third factor, for example, the Ministry of Finance raised an objection, however, the existence of objections from this Ministry also has a statically insignificant effect on the duration of decision making.

TABLE 5 DECISION MAKING SPEED

Type of legislation	Duration of decision making time (days)			
	Average	Median	min	max
Informative report	80	57	1	850
Draft law	154	102	0	1776
Draft Rules	107	80	0	1377
Draft order	85	60	0	1783

Other regularities were also looked for, but none showed a significant correlation. Therefore, it can be concluded that the duration of decision-making depends on the political agenda, which has a very large time amplitude.

#### IV. CONCLUSIONS

The Single Portal for Development and Harmonisation of Draft Legal Acts (TAP portal) has become the main platform for public participation, and most of its infrastructure is used to engage organized interest representatives such as associations, foundations and companies. Individual citizen participation in the reconciliation process is rare, indicating the dominance of structured representation.

The research data confirm that the majority of submitted public comments come from organized groups that engage in the coordination process more than three times a year, which is consistent with the lobbying characteristic defined in Latvian legislation. However, it was also observed that less active representatives, although rarely using the platform, still dominate numerically. It is expected that many organizations will increase their activity on the TAP portal in the future, including it as another tool for representing their interests.

The analysis shows that the TAP portal has significantly contributed to wider public involvement, exceeding the initially set goals. In total, the platform has been used by more than 600 different types of actors, and its role as a promoter of transparency and efficiency is unmistakable. This confirms the hypothesis that the TAP portal has a positive effect on public participation.

On the other hand, the hypothesis that the involvement of organized interest groups slows down the decision making process was not confirmed. The duration of the decision is mostly related to the political agenda and the nature of the legislation, not to the objections or support expressed by interest representatives. Furthermore, the study shows that within the alignment process, positive

alignments do not reduce decision making time, indicating complex factors influencing these processes.

In conclusion, it should be concluded that the TAP portal has not only improved the transparency and traceability of legal act development processes, but still many groups of interest representatives do not consider it one of the main channels or tools for representing their interests. Therefore, the authors recommend to continue popularizing the use of this portal among groups of interest representatives, as it would promote both the transparency of the process and the balanced representation of interests in the process of drafting legislation.

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