



CONCEPTUAL DISTINCTIONS AND PUBLIC UNDERSTANDING OF LOBBYING, ADVOCACY AND INFLUENCE PEDDLING IN ROMANIA¹

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Abstract. *Interest representation, championing causes of public interest and active participation of citizens serve to strengthen a well-functioning democracy as well as participatory governance centered on the needs and desires of citizens. Although in Romania there are mechanisms through which individuals can express their interests to public authorities, lobbying remains unregulated and advocacy is not so popular. The two concepts are often confused. Moreover, in the absence of clear national regulations, some actions undertaken by the private and non-governmental sector to advance their interests are viewed with suspicion, under the shadow of influence peddling. In order to provide concrete solutions aimed at addressing this issue, it is first necessary to assess the level of understanding of the distinction between the three concepts. In this context, this paper aims firstly to identify how clearly understood is the difference between lobbying, advocacy and influence peddling among the Romanian society, and secondly to highlight the theoretical and practical differences between them. The research involved the development of three hypothetical scenarios depicting a case of lobbying, one of advocacy and one of influence peddling, and presenting them to a group of participants, who were tasked with correlating each scenario with the activity it represented.*

Keywords: *Lobby, Advocacy, Influence peddling.*

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1. Introduction

In Romania, the activity of lobbying remains unregulated by specific national legislation, despite recurring debates and numerous, ultimately unsuccessful, attempts to establish a legal framework over the past two decades. The absence of such regulation has contributed not only to public confusion about what lobbying entails, but also to its frequent conflation with advocacy and influence peddling. This conceptual ambiguity has been signaled by both scholars and policy experts, who have noted that Romanian public discourse often associates lobbying with unethical or even illicit behavior. As a result, lobbying tends to carry a predominantly negative connotation in the national context, unlike in other democratic systems where it is recognized as a legitimate and often institutionalized form of interest representation.

This lack of clarity and legal distinction between lobbying, advocacy, and influence peddling can have several adverse effects on governance. Most notably, it risks enabling practices that may be viewed as acceptable elsewhere but are perceived as illegitimate in Romania, thereby weakening institutional trust. Furthermore, in the absence of transparency mechanisms typically linked to regulated lobbying, policy-making processes become more opaque, which may reduce their democratic legitimacy. Such risks are compounded by the limited understanding of these terms among the general public and even among institutional actors, which further complicates efforts to ensure inclusive and accountable decision-making.

Given these challenges, this article aims to clarify the distinctions between lobbying, advocacy, and influence peddling by synthesizing existing theoretical and institutional definitions and interpreting their relevance in the Romanian context. The article seeks to provide a conceptual map that can assist society in navigating these practices, while also contributing to the broader goal of strengthening collaborative governance. By offering analytical explanations for separating these often-confused terms, the study addresses a critical knowledge gap and lays the groundwork for future discussions on potential regulation.

In addition to conceptual clarification, the article also examines the extent to which Romanian citizens can distinguish between these three practices in applied scenarios. To this end, the study employed a mixed-methods approach, combining qualitative and quantitative elements. In the first stage, three hypothetical case studies were designed to illustrate a situation of lobbying, one of advocacy, and one of influence peddling. These fictional scenarios were constructed to reflect plausible contexts, while isolating key features that distinguish the three concepts.

Subsequently, the scenarios were presented to a group of respondents, who were asked to classify each case according to the concept it represented. The sample was composed of four sub-groups: (1) employees in public institutions, representing the typical targets of such activities; (2) individuals from the private and NGO sectors, who are often the initiators of lobbying or advocacy; (3) university students aged 19–23, and (4) young people aged 22–26 who are not currently enrolled in higher education. This selection aimed to capture a variety of perspectives and lay understandings of these practices. By comparing respondents' classifications with the intended conceptual boundaries, the article assesses the clarity with which each term is understood in Romanian society.

2. Terminological demarcations. Lobby vs. advocacy vs. influence peddling

Analyzing lobbying in the 21st century, the Organization for Economic Co-operation and Development (OECD, 2021) has defined lobbying as: “an attempt within the legal limits to influence the design, implementation and evaluation of laws and public policies, under the responsibility of public officials in the legislative, executive or judicial branches, at the local, regional or national level”. This definition implies that lobbying covers the whole sphere of public sector activity.

At the European Union level, a baseline definition of lobbying was developed by the European Commission in its 2006 Green Paper on the European Transparency Initiative. According to this initiative, lobbying encompasses “all activities undertaken with the aim of influencing the formulation of policy and decision-making processes in the European institutions” (European Commission, 2006).

According to Transparency International (2018), lobbying is any form of communication, direct or indirect, by any organized group (or a third party on behalf of an organized group) with public and political officials (civil servants, dignitaries, legislators, members of the government, etc.) with the aim of influencing public decision-making. According to the same source, lobbying also encompasses attempts, direct or indirect, to influence public opinion through measures that go beyond simple publicity and marketing activities, thus generating one-way public pressure on decision-makers (Transparency International, 2018). The central concept of direct lobbying is gaining “access” to officials whose possible support may tip the balance in favor of interest groups (Weiler & Brändli, 2015).

In a report produced in close collaboration between global consulting firm AccountAbility and UN Global Compact experts, the concept of “responsible lobbying” is discussed. It implies on

the one hand the alignment of lobbying with the stated policies, strategies and actions of an organization, and on the other hand the endorsement and implementation of universal principles and values (such as those set out in the UN Global Compact) in lobbying (MacGillivray, 2005). In other words, lobbying should not lead to decisions that are contrary to the public interest.

In a study carried out by the European Institute of Romania, Elena Simina Tănăsescu (2015) defined lobbying as “the action of individuals or groups of individuals, with varied and specific interests, aimed at influencing decisions taken at the political level”. The provided definition is rather general, but it outlines the overall picture of lobbying, emphasizing the complexity of the interests of individuals or groups of individuals involved in such a process.

Similarly, other scholars view lobbying as a structured form of political engagement through which individuals, interest groups, or professional intermediaries seek to influence public decision-making in alignment with their goals or values, while also serving a vital democratic function by articulating societal demands and supplying institutions with contextual knowledge essential for informed and responsive governance (Koch & Schulz-Knappe, 2021; von Malmborg, 2022; Cabanillas, Esparcia & Ostio, 2024).

Often, in the public arena, lobbying is confused with advocacy, although the two concepts are distinguished by specific features. Advocacy is an umbrella term for a range of activities designed to change society by appealing to individuals, employers, or government, and usually involves informing and influencing decision-makers on behalf of a vulnerable group (Cohen & Lee, 2012).

Advocacy refers to campaigns to sensitize public opinion, and indirectly decision-makers, on social issues affecting groups in general and individuals in particular (Vass, 2008). Other scholars, such as Jessani et al. (2022), in their effort to explore how faculty members and government decision-makers perceive the roles, responsibilities, and constraints of academics proactively engaging in policymaking through advocacy, activism, and lobbying, conceptualize advocacy as a form of public action that involves expressing support for a cause, person, or policy (often through targeted arguments addressed to specific audiences) which articulate the nature of a problem, propose viable solutions, and emphasize the need for political action. In practice, advocacy efforts led by non-profit organizations can take many forms, from educating the public and sharing information on key issues to organizing civic actions and community events. These activities may also involve encouraging electoral participation, conducting

problem-oriented research, proposing policy responses, or contributing to the development, monitoring, and adjustment of public policies (Reid, 2000; Silverman & Patterson, 2011).

Advocacy can be seen both as a strategic effort to shape the external environment in which an organization operates and as the result of sustained engagement with relevant audiences, leading to increased support for the organization's mission, interests, or representatives (Bochenek, 2019).

Although they share some common features, the two concepts should not be confused. As can be seen from the definitions and interpretations presented above, lobbying aims at directly influencing decision-makers, while advocacy aims at influencing and sensitizing the general public. Lobbying also involves direct interaction with decision-makers, which is not found in advocacy (Romanian Association for Transparency, 2012). From the perspective of the interest served, lobbying aims at satisfying private interests, while advocacy aims at satisfying public, but not necessarily general, interests (Tănăsescu, 2015). Last but not least, the literature has noted an ordering relationship between lobbying and advocacy, because elements of advocacy will always be found in lobbying, but elements of lobbying will generally not be found in advocacy.

Another confusion arises between lobbying, advocacy and influence peddling. There is a preconception that lobbying involves a politician receiving a suitcase of money from a lobbyist to vote a certain way. However, this scenario goes beyond lobbying and falls into the sphere of influence peddling. According to the Romanian legislation in force, influence peddling is the crime according to which a person with influence or apparent influence over a public official (as the latter is interpreted in the Criminal Code) *“demands, receives or accepts the promise of money or other benefits, directly or indirectly, for himself or for another person, in exchange for the promise that he will induce the official in question to perform, not perform, to expedite or delay the performance of an act falling within his official duties or to perform an act contrary to these duties”* (Law no. 286/2009 on the Criminal Code). The key difference between these activities is that lobbying involves influencing a decision-maker to behave in a certain way, whereas influence peddling is a barter or buy-sell relationship where the decision-maker receives money or other benefits for behaving in a certain way. Another difference between the two concepts concerns the modus operandi of the lobbyist and the influence peddler respectively, in the sense that the former acts transparently (his/her objectives and actions are

public and can be verified by the general population), while the latter acts secretly and discreetly (Tănăsescu, 2015).

In addition, the general confusion of lobbying and influence peddling is also fueled by some practices in an ethical gray area, such as the “revolving door” phenomenon. This practice encompasses situations in which a former public official 'switches sides' to become a lobbyist (Chambers, 2016). Once a lobbyist, he or she will use his or her privileged position (due to accumulated knowledge and contacts formed) in favor of the new client. In order to avoid such situations, the states where lobbying is regulated provide for different time periods that a former public official has to respect before engaging in lobbying. For example, in the case of former members of the European Commission, two years must elapse between the end of the term of office and the start of lobbying (European Commission, 2018).

Romania has made significant efforts to curb corruption, and while measurable progress can be observed, there remains considerable room for improvement. It is worth noting that current legislation requires the full implementation of the EU Whistleblowing Directive no. 2019/1937 and the adoption of more nuanced legal distinctions between unregulated lobbying, influence peddling, and abuse of office, in order to further strengthen institutional transparency and reduce ambiguity in public ethics, as shown by Teichmann, Boticiu, & Sergi (2023).

Drawing on the definitions and interpretations provided, the following table outlines key features that can be attributed exclusively to lobbying, advocacy, and influence peddling, distinguishing the three concepts:

Figure 1. Key differences between lobby, advocacy and influence peddling

Lobby	Advocacy	Influence peddling
<ul style="list-style-type: none"> • Involves direct and organized communication with public officials or institutions (Transparency International, 2018). • Aims to influence the design, implementation, 	<ul style="list-style-type: none"> • Encompasses public support or campaigning for a cause, policy, or vulnerable group (Cohen & Lee, 2012; Jessani et al., 2022). • Primarily targets the general public or indirectly aims to 	<ul style="list-style-type: none"> • Involves a criminal exchange, where someone claims or uses real/apparent influence over a public official in return for money or other benefits (Romanian Criminal Code, Law no. 286/2009).

<p>or evaluation of public policy or legislation (OECD, 2021; European Commission, 2006).</p> <ul style="list-style-type: none"> • Serves primarily private or sectoral interests, including corporate, industrial, or professional interests (Tănăsescu, 2015). • Conducted within the legal and regulatory frameworks of democratic governance. • May include elements of public pressure or strategic communication targeting opinion formation (Transparency International, 2018). • Can be performed transparently, through formal channels and registries (e.g., EU Transparency Register). 	<p>influence decision-makers through awareness and mobilization (Vass, 2008).</p> <ul style="list-style-type: none"> • Pursues public or community-centered interests, often rooted in social justice or equity (Tănăsescu, 2015). • Can involve research dissemination, petitions, protests, education campaigns, etc. • Does not rely on privileged or insider access to policymakers. • Considered a broader concept, under which lobbying may fall as a subcomponent (Tănăsescu, 2015). 	<ul style="list-style-type: none"> • Operates in secretive, non-transparent ways, often hidden from public scrutiny (Tănăsescu, 2015). • Constitutes a form of corruption, punishable under criminal law. • Implies a transactional relationship, not just influence but quid pro quo (promise or exchange). • Bypasses democratic or participatory processes entirely. • Often associated with ethical gray zones, such as the "revolving door" phenomenon (Chambers, 2016).
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Source: The author, based on the review of specialized literature

3. Assessing Romanian Citizens' Ability to Distinguish Between Lobbying, Advocacy, and Influence Peddling

To operationalize these conceptual distinctions and explore how they are perceived in practice, the following section presents three hypothetical scenarios, each illustrating one of the concepts (lobbying, advocacy, and influence peddling) within a realistic national context. The scenarios were administered to a selected group of individuals, including public sector employees, private sector and NGO representatives, university students, and young adults outside formal

education, in order to capture a diverse range of perspectives and levels of familiarity with these practices. The scenarios are presented below, followed by the interpretation of the results. The first scenario depicts a case of advocacy, the second one show a case of influence peddling, while the last scenario depicts an example of lobbying.

Scenario a.

In recent years, Romanian environmental NGOs have increasingly voiced concerns about the ecological impact of the fast-fashion industry, particularly regarding textile waste and chemical runoff from outsourced production chains. In early 2024, a coalition of NGOs and grassroots environmental groups launches a nationwide campaign titled “Wear the Change”, aiming to raise public awareness about the industry's environmental footprint and to promote sustainable consumer behaviors.

The campaign includes a multimedia strategy with documentary screenings, social media challenges, school-based workshops, and op-eds placed in mainstream media outlets. It also circulates an open letter addressed to the Ministry of Environment, requesting the adoption of extended producer responsibility (EPR) measures and the implementation of national standards for textile waste collection. As part of the campaign’s broader strategy, the coalition also organized a roundtable event that brought together representatives from key environmental NGOs and officials from the Ministry of Environment.

Notably, the campaign does not involve any other private meetings with lawmakers or ministerial officials. Instead, it operates in the public arena, mobilizing citizen support and encouraging people to sign petitions, participate in rallies, and share campaign materials. The coalition uses these publicly documented activities to demonstrate social demand and to generate moral pressure on policymakers.

Although the Ministry does not immediately respond, media coverage and public discourse shift significantly in the following months. A parliamentary inquiry into the environmental cost of consumer goods is opened, citing public demand for sustainable regulation as a contributing factor. While it is unclear whether this inquiry will result in concrete legislation, the campaign has clearly influenced the national conversation.

Scenario b.

In early 2024, a domestic distributor of electronic cigarettes sought to expand its presence on the Romanian market by influencing forthcoming regulations that would affect the advertising

and taxation of such products. At that time, the Ministry of Health was in the process of finalizing a legislative proposal aimed at tightening controls on nicotine-based products, including restrictions on promotional content and increased excise duties. The distributor, lacking direct institutional access, engaged a politically connected intermediary - a former advisor to a senior official in the Ministry - to act on its behalf.

While the intermediary had no official position or contractual mandate, he presented himself as someone with ongoing informal ties to current decision-makers. Discussions between the distributor's representatives and the intermediary were held in non-official settings, and communication was kept off record. The intermediary suggested that he could soften the stance of key actors involved in the policy drafting process, hinting at delays or alterations in specific regulatory clauses that would affect product labeling and public advertising. In exchange, he requested that certain consulting fees be disbursed in advance to a private entity he was affiliated with. Shortly after a series of private discussions, the intermediary was discreetly promised a consultancy contract with a third-party supplier, contingent upon their ability to facilitate access to key figures within the Ministry of Health.

The entire strategy relied on personal influence and non-transparent leverage over public officials. While no official decisions had yet been made, the legislative timeline was suddenly extended without public explanation.

Scenario c.

In early 2023, several members of the Romanian Chamber of Deputies submit a legislative proposal aimed at increasing the transparency and accountability of algorithmic content delivery systems on major digital platforms. Although the initiative is framed as a response to concerns about user manipulation, misinformation, and lack of platform accountability, it quickly draws the attention of major global and regional tech companies operating in Romania.

A consortium of these companies, through their in-country public affairs representatives and a professional consultancy firm, initiates a formal dialogue with parliamentary committees responsible for digital policy. This includes submitting position papers, policy memos, organizing private technical briefings, and offering impact assessments highlighting how the proposed legal framework could restrict innovation, disrupt market competition, and create compliance burdens disproportionate to its intended effects.

These interactions are framed as “technical consultations”. As part of their outreach efforts, the representatives also hosted a formal reception attended by several lawmakers, providing an

informal setting to discuss the proposed amendments and broader issues surrounding tech regulation. The consortium's representatives do not hide their identity or affiliation and make their position known through official channels. Notably, their feedback is not made publicly available in real time but is later cited in justification reports submitted by the legislative drafters.

After several rounds of discussion, some deputies introduce amendments that reflect, in both language and scope, recommendations made by the consortium. These include changes in reporting obligations and the introduction of risk-based thresholds that exempt smaller companies from compliance duties. While some civil society actors voice concerns about the closed nature of the consultations, the process remains formally within legal and procedural norms.

4. Findings

Over the course of four days, each group was individually presented with the hypothetical scenarios. The exercise was administered in physical format, in a controlled setting. Importantly, no definitions or theoretical guidance were provided prior to the exercise; this was intended to capture the participants' intuitive understanding and existing knowledge of the terms.

Across the full sample, the scenario depicting influence peddling was correctly identified by approximately 81.80% of participants, indicating a relatively strong general awareness of this criminal offense. In contrast, only around 40.90% of respondents accurately distinguished between lobbying and advocacy scenarios, a result that highlights ongoing conceptual confusion between these two distinct, yet often conflated practices.

When disaggregated by demographic categories, distinct patterns emerge. For the influence peddling scenario, 100% of respondents employed in the public and private sectors identified the case correctly, compared to 80% of university students and only 50% of non-student young adults. This suggests that professional experience (and possibly previous exposure to institutional or legal frameworks) may contribute to greater clarity in recognizing corrupt or illicit influence mechanisms.

In contrast, for the lobbying and advocacy scenarios, performance dropped notably across all groups. The combined correct classification rate was approximately 40.90%. More specifically, 66.67% of public sector employees and 60% of private sector workers succeeded in this task,

compared to 40% of university students and 0% of non-student young adults. This gradient offers some insight into how factors like professional responsibility, civic exposure, and formal education might shape conceptual literacy in the domain of influence and policy-making.

The clearest trend visible in the results is the performance gap between individuals with employment experience and those without. All employed respondents, both from public administration and the private economy, correctly recognized the case of influence peddling, suggesting that familiarity with institutional rules, legal compliance frameworks, or workplace ethics training may play a key role in anchoring this understanding. While the concept of influence peddling is also more prominently featured in Romanian media and public discourse (often associated with corruption scandals), professional exposure likely reinforces individuals' capacity to map abstract legal definitions onto plausible real-world cases.

University students performed moderately well, especially when compared to their peers not enrolled in higher education. The fact that 80% of students identified the influence peddling case correctly, and 40% also succeeded in the lobbying/advocacy distinction, suggests a meaningful correlation between access to higher education and nuanced understanding of policy-related terminology. This may be due to exposure to civics, law, or political science courses, or simply the academic habit of distinguishing between categories and definitions.

On the other end of the spectrum, non-student young adults displayed the most limited ability to distinguish between the three scenarios. Only half correctly identified the influence peddling case, and none correctly classified the lobbying and advocacy cases. While the small sample size of this sub-group limits the extent of generalization, the results do point to the need for broader public education campaigns aimed at demystifying these practices, especially among segments of the population with lower formal education or reduced contact with institutional structures.

The relatively better performance of public sector employees (66.7%) compared to private sector employees (60%) may be due to greater familiarity with legal distinctions and administrative procedures that delineate legitimate participation in public decision-making. Moreover, public servants may be more exposed to discussions about ethics, conflicts of interest, and transparency due to institutional guidelines or compliance training. The difference, while modest (approximately 6.70 percentage points), may indicate that understanding of these distinctions is still evolving and may benefit from targeted internal clarification within the administration. The advocacy scenario, which involved environmental organizations working

against pollution in the fast fashion industry, seemed especially prone to misinterpretation, with many respondents incorrectly classifying it as lobbying.

5. Conclusions

Clarifying the distinctions between lobbying, advocacy, and influence peddling is not only a matter of theoretical precision, but also one of public ethics, legal certainty, and institutional transparency. Throughout this article, we have synthesized definitions from international and national literature to produce a framework capable of distinguishing the three concepts with contextual relevance to Romania.

Lobbying was defined as a structured and legally permissible attempt to influence public decision-making by engaging directly with policymakers in alignment with sectorial interests. Advocacy was understood as an umbrella term that encompasses a range of activities aimed at promoting social change and informing public opinion, primarily in support of vulnerable or marginalized groups. In contrast, influence peddling was identified as a criminal act involving non-transparent exchanges of favors or benefits in return for access to or manipulation of official.

The empirical exercise conducted with a diverse sample of respondents sheds light on how clearly these distinctions are understood in practice. Approximately 81.8% of participants correctly identified the influence peddling scenario, suggesting that this term is more familiar, likely due to its frequent appearance in public discourse and media coverage. However, only 40.90% were able to distinguish correctly between the lobbying and advocacy scenarios, with particularly low recognition rates among non-student young adults. This gap signals a broader problem: while egregious corruption is broadly recognizable, the more nuanced and legally permissible activities of interest representation remain poorly understood.

Differences in performance across the four demographic sub-groups support this diagnosis. All respondents employed in either the public or private sectors correctly identified influence peddling, while university students demonstrated moderate success, and non-student youth showed significant confusion. These patterns may reflect the impact of education, civic exposure, and institutional experience on conceptual clarity. Interestingly, public sector employees slightly outperformed their private sector counterparts in distinguishing lobbying from advocacy, possibly due to greater familiarity with the legal-administrative environment.

Although the sample size was limited and geographically restricted to Bucharest, the data reveal meaningful insights into how Romanian citizens understand - or misunderstand - key instruments of democratic participation and influence. These findings point to the need for further research, particularly at the national level, using broader and more representative samples. Expanding the analysis to other urban and rural regions would help test the generalizability of these initial findings and refine the policy recommendations that follow.

With a clearer understanding of public perception now established, the next logical step involves designing and proposing targeted measures aimed at increasing public literacy around these terms. Civic education initiatives, institutional training, and media literacy campaigns could all serve to close the knowledge gap and reduce confusion between legal advocacy, legitimate lobbying, and criminal misconduct. Ultimately, greater clarity in this domain can help promote transparent governance, informed participation, and a more robust democratic culture in Romania.

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