

- (b) infringe Article 16 of the Charter of Fundamental Rights of the European Union (freedom to conduct a business); and/or
- (c) infringe Articles 20 (equality before the law) and 21 (non-discrimination) of the Charter of Fundamental Rights of the European Union; and/or
- (d) infringe the general principle of European law of protection of business secrecy?

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(<sup>1</sup>) OJ 2018 L 156, p. 43.

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**Request for a preliminary ruling from the Administratīvā apgabaltiesa (Latvia) lodged on 21 May 2021 — SIA STOCKHOLM SCHOOL OF ECONOMICS IN RIGA v Latvijas Zinātnes padome**

**(Case C-318/21)**

(2021/C 297/30)

*Language of the case: Latvian*

**Referring court**

Administratīvā apgabaltiesa

**Parties to the main proceedings**

*Applicant:* SIA STOCKHOLM SCHOOL OF ECONOMICS IN RIGA

*Defendant:* Latvijas Zinātnes padome

**Questions referred**

1. Must Article 2(83) of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 (<sup>1</sup>) of the Treaty on the Functioning of the European Union be interpreted as meaning that an entity (such as universities or research institutes, technology transfer agencies, innovation intermediaries, research-oriented physical or virtual collaborative entities) whose operating objectives include independently conducting fundamental research, industrial research or experimental development or widely disseminating the results of such activities by way of teaching, publication or knowledge transfer, but whose own funding consists mainly of revenue from economic activities, can be considered a research and knowledge-dissemination organisation?
2. In determining whether the entity complies with the requirement in Article 2(83) of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union that the primary goal of the entity's activities must be to independently conduct fundamental research, industrial research or experimental development or to widely disseminate the results of such activities by way of teaching, publication or knowledge transfer, is it justified to apply the requirement concerning the proportion of funding (revenue and costs) derived from economic and non-economic activities?
3. If the answer to the second question referred is in the affirmative, in determining whether the entity's primary goal is to independently conduct fundamental research, industrial research or experimental development or to widely disseminate the results of such activities by way of teaching, publication or knowledge transfer, what percentages of funding must be obtained from economic and from non-economic activities?
4. Must the rule in Article 2(83) of Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union, which establishes that undertakings that can exert a decisive influence upon the entity submitting the project proposal, in the quality of, for example, shareholders or members, may not enjoy preferential access to the results generated by that entity, be interpreted as meaning that the members or shareholders of the said entity may be either natural or legal persons with a profit motive (including through the provision of educational services in return for payment) or not-for-profit entities (such as an association or foundation)?

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(<sup>1</sup>) OJ 2014 L 187, p. 1.