

EUROPEAN GENERAL COURT

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APPLICATION TO INTERVENE ON BEHALF OF THE APPLICANTS pursuant to Art.142 et seq. RULES OF PROCEDURE OF THE GENERAL COURT in proceedings T-96/21

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Case:

T-96/21 – Action for annulment under Article 263 TFEU

Main parties:

Heidi Amort and 35 other applicants against European Commission

Name and residence of the applicants:

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Concerning:

IMPLEMENTING DECISION OF THE EUROPEAN COMMISSION of 21/12/2020 granting a conditional marketing authorization for the medicinal product for human use 'Comirnaty' - COVID-19 mRNA vaccine (nucleoside modified) in accordance with Regulation (EC) No 726/2004 of the European Parliament and of the Council, together with its successive amendments and integrations.

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The undersigned Mrs/Mr..... (name) born in ... on.... residing in, represented by RA , in (State) admitted to the Bar, registered with the Bar Association of and with office in

PROVIDED THAT

1. the applicant is considered to be employed in the health/nursing sector (**enclose evidence A.1**) and, like the applicants in case T-96/21, is facing increasing pressure from employers, society and government to submit to Covid "vaccination". This pressure is increasingly condensing into a direct compulsion to vaccinate (**provide concrete evidence if possible - e.g. demand letters from the medical association, the employer, etc.). A.2.**) and the applicant is therefore in a situation analogous to that of the main claimants. Therefore, as already explained in detail by the applicants in the action for annulment, the applicant is personally and directly affected by the contested implementing decision of the European Commission (including subsequent amendments and integrations) for the following reasons.
2. **As a result of the centralised authorisation of "Comirnaty" on 21 December 2020, the European Commission has automatically authorised this active substance in every Member State, i.e. no further decision of the individual Member State was required in order to authorise this active substance also on the territory of the EU Member State.**
3. Therefore, the above-mentioned applicant clearly has the right to bring an action pursuant to Article 263 TFEU, since the contested implementing decision of the EU Commission and the preceding opinion of the EMA have a direct effect on the personal position of the applicant and his/her fundamental right to physical integrity, which is protected by the EU Treaty.
4. The unlawful marketing authorisation of 'Comirnaty' **directly and personally affects** the applicant, since its fundamental rights to physical integrity (Article 3 of the EU Charter), to a high level of human health protection (Article 168 TFEU, Article 35 of

the EU Charter) and to consumer protection (Article 169 TFEU, Article 38 of the EU Charter) are grossly violated by this implementing decision, as set out below.

5. According to **Article 168 TFEU**, a **high level of human health protection** must be ensured in the definition and implementation of all Union policies and activities. EU citizens have the **fundamental right to physical integrity** enshrined in **Article 3 of the EU Charter** and the fundamental right to a **high level of human health protection** enshrined in **Article 35 of the EU Charter**.
 6. It is the EU Commission that on 17 June 2020 presented a "**European vaccine strategy**" for the rapid development, production and distribution of a Corona vaccine (Doc. **A.5** Action for annulment), under which on 11 November 2020 a contract was agreed with the pharmaceutical company BioNTech/Pfizer for the initial purchase of 200 million vaccine doses **on behalf of all EU Member States** and an option to order a further 100 million doses. According to the undisclosed contract, **delivery** was to take place **as soon as a proven safe and effective vaccine against covid-19 became available**, according to the EU Commission's "communication releases". The "European vaccination strategy" specified by the EU Commission should aim at "**ensuring the quality, safety and efficacy of vaccines**". The fact that the European vaccination strategy did not meet this legal requirement *al condicio sine qua non*, especially with regard to the approval of the active substance "Comirnaty", is explained and documented below. **On 19/01/2021, the EU Commission presented a communication in which it instructs the member states to accelerate the EU-wide vaccination of the already approved experimental "vaccines" (first and foremost "Comirnaty"). By March 2021, at least 80% of people over 80 and 80% of health and social care workers in all Member States should be vaccinated.** By summer 2021, at least 70% of adults in the EU are to be vaccinated. **The EU Commission is thus exerting unmistakable and clear pressure towards vaccinating the population with experimental substances based on genetic engineering** (see below). Since the Member States (including Italy in particular) have become highly financially dependent on the European Community due to the disastrous economic effects of repeated lockdowns, lends the pressure exerted by the European Commission on individual Member States towards covid vaccination an exceptional "quality". **The "European vaccination strategy" places health workers at the top of the list of priority groups to be "vaccinated".**
 7. The applicant sees himself/herself, on the one hand, exposed to an enormous pressure, which has been demonstrably built up by the EU Commission and is intensifying into a direct vaccination obligation, and, on the other hand, as an EU citizen particularly affected by this (because belonging to a prioritized group of people in the vaccination program specified by the EU Commission) for the following reasons, exposed to a concrete, unreasonable and unlawful enormous health risk brought about by the EU Commission with the contested implementing decision (including subsequent amendments and integrations).
 8. **The above-mentioned applicant therefore has a legitimate, direct and present interest in intervening in the proceedings T-96/21 as an intervener for the applicants.**
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9. In view of the above, **the above applicant submits the application for leave to intervene in proceedings T-96/21 in support of the application for a declaration of invalidity of the IMPLEMENTING DECISION OF THE EUROPEAN COMMISSION of 21 December 2020 granting an application for a declaration of**

invalidity. 12.2020 granting a conditional marketing authorization for the medicinal product for human use 'Comirnaty' - COVID-19 mRNA vaccine (nucleoside modified)' in accordance with Regulation (EC) No 726/2004 of the European Parliament and of the Council, together with its successive amendments and integrations.

Place, date

RA(Signature RA)

The following documents are deposited:

- A1** Proof of employment relationship or activity as a practising doctor, etc.;
- A2** Proof of the specific vaccination requirement applied to the applicant or in general to the professional category in the Member State concerned, also indirectly.