# 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-136/21

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**Case:**

T-136/21 – Action for annulment under Article 263 TFEU

**Main parties:**

Heidi Amort and 37 other applicants against European Commission

**Name and residence of the applicants:**
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**Concerning:**

**EUROPEAN COMMISSION IMPLEMENTING DECISION of 06/01/2021 on the granting of conditional approval of the medicinal product for human use "COVID-19 Vaccine Moderna-COVID-19-mRNA-based vaccine (nucleoside-modified)" in accordance with Regulation (EC) No. 726/2004 of the European Parliament and of the Council, including subsequent 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-136/21, 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 " COVID-19 Vaccine Moderna" on 06.01.2021, 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 authorize 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 ' COVID-19 Vaccine Moderna ' **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 dissemination of a Corona vaccine (Doc. **A.5.1**), under which a contract was concluded with the pharmaceutical company Moderna, on 25 November 2020, for the purchase of a potential COVID-19 vaccine. It allows for the purchase of an initial 80 million doses of vaccine on behalf of all EU Member States - with an option for a further 80 million doses. According to the undisclosed contract, delivery should take place as soon as a proven safe and effective Corona vaccine is available. On 15 December 2020, the Commission took the decision to purchase another 80 million doses. On 17 February, the Commission approved a second contract with Moderna for the additional purchase of 300 million doses **on behalf of all EU Member States** (150 million in 2021, with an option for a further 150 million in 2022).
   The "European vaccination strategy" specified by the EU Commission should aim at "**ensuring the quality, safety and effectiveness** 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 ingredient "COVID-19 Vaccine Moderna", is explained and documented below.

7. **On 19/01/2021, the EU Commission presented a communication in which it calls on the member states to accelerate the EU-wide vaccination of the experimental "vaccines" already approved (there are now three: COVID-19 Vaccine Moderna, Comirnaty and AstraZeneca). 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 (especially Italy) 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 the individual Member States towards covid vaccination a particular "quality".
   **The "European vaccination strategy" places health workers at the top of the list of priority groups to be "vaccinated".**

8. 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 prioritised group of people in the vaccination programme 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).

**9. The above-mentioned applicant therefore has a <u>legitimate, direct and present interest in intervening</u> in the proceedings T-136/21 as an intervener for the applicants.**

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**10.** In view of the above, the above applicant submits the application for leave to **intervene in proceedings T-136/21 in support of the application for a declaration of invalidity of the EUROPEAN COMMISSION IMPLEMENTING DECISION of 06/01/2021 on the granting of conditional approval of the medicinal product for human use "COVID-19 Vaccine Moderna-COVID-19-mRNA-based vaccine (nucleoside-modified)" in accordance with Regulation (EC) No. 726/2004 of the European Parliament and of the Council, including subsequent amendments and integrations.**

Place and date

RA ….(Signature RA)

<u>The following documents are deposited:</u>

**A1** Proof 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 inthe Member State concerned, also indirectly.