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-165/21

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Case:

T-267/21 – Action for annulment under Article 263 TFEU

Main parties:

Heidi Amort and 22 other applicants against European Commission

Name and residence of the applicants:
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Concerning:

IMPLEMENTING DECISION OF THE EUROPEAN COMMISSION of 11 March 2021 granting a conditional marketing authorisation for the medicinal product for human use 'COVID-19 Vaccine Janssen-COVID-19 vaccine (Ad26.COV2-S [recombinant])' 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-267/21, is facing increasing pressure from employers, society and government to submit to Covid "vaccination". This pressure is increasingly condensing into a direct vaccination obligation, which in Italy has already been introduced by the Italian government on April 1, 2021 for staff working in the health and care sector, and is also already being concretely considered by the government in ..... (cite EU country of residence) (provide concrete evidence if possible - e.g. letter of request from the medical association, 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 Janssen-COVID-19 vaccine (Ad26.COV2-S [recombinant])" on 11.03.2021, 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 Janssen-COVID-19 vaccine (Ad26.COV2-S [recombinant])' **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 Janssen Pharmaceutica NV in October 2020, for the purchase of a potential COVID-19 vaccine.
7. 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 Janssen-COVID-19 vaccine (Ad26.COV2-S [recombinant])", is explained and documented below.
8. **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 already approved experimental "vaccines" (currently there are four: COVID-19 Vaccine Comirnaty, Moderna, AstraZeneca- now Vaxzevria-, and Janssen).** By summer 2021, at least 70% of adults in the EU should 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 in the direction of covid vaccination a particular "quality".
9. **The "European vaccination strategy" places health workers at the top of the list of priority groups to be "vaccinated".**
10. **On 17.03.2021, the EU Commission presented a draft regulation for the introduction of a digital green certificate** (doc. **A. 6.3**). **The digital green**

certificate serves as proof that a person has been vaccinated against COVID-19, has received a negative test result, or has recovered from COVID-19.
The declared aim is to find a safe way to lift restrictions and travel in Europe. On 25/03/2021, the European Parliament decided to fast-track the introduction of the EU-wide vaccination certificate. On 28/04/2021, the EU Parliament adopted its position on the Covid passport. Health Commissioner Stella Kyriakides urged EU countries to speed up their Corona vaccination campaigns. It is "crucial that there is no gap between doses delivered and doses administered and that no vaccines go unused" Kyriakides told an online conference of EU health ministers. The massive pressure that the EU Commission is exerting on EU member states towards general compulsory vaccination is obvious.
There is therefore no question that the digital vaccination card will be introduced, and with it discrimination against all those EU citizens who do not wish to be "vaccinated" with the experimental genetically based substances (such as COVID-19 Vaccine Janssen).

11. 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).

12. The above-mentioned applicant therefore has a legitimate, direct and present interest in intervening in the proceedings T-165/21 as an intervener for the applicants.

Place and date

RA ….(Signature RA)

The following documents are deposited:

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.