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# UNIO STATUTES

2021

UNIO – The Women's Professional Cycling Teams Association  
Bahnhofstrasse 28, 6304 Zug, Switzerland

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## **I. GENERAL PROVISIONS**

### **1. LEGAL FORM AND SEAT**

- 1.1 UNIO is an association of professional women's cycling teams constituted in accordance with Articles 60 ff. of the Swiss Civil Code.
- 1.2 UNIO shall have its seat in Zug, Switzerland.

### **2. OBJECTIVES**

- 2.1 The objectices of UNIO are:
  - a) To safeguard and promote the interests of its members, in particular, and cycling in general;
  - b) To be recognized by the Union Cycliste Internationale ("UCI") as the sole body representing the interests of professional women's cycling teams;
  - c) To represent the interests of women's cycling teams as employers including in the social dialogue process and to act as a social partner where appropriate;
  - d) To contribute to the healthy development of women's cycling competitions organised by UCI or any other organiser, by taking part in the relevant decision making process;
  - e) To ensure cooperation between its members, UCI and any other sports organisation where appropriate;
  - f) To provide input as regards the international women's cycling competitions calendar;
  - g) To contribute to the good governance of the sport of cycling worldwide, in particular by participating in the appropriate bodies established within UCI and any other sports governing body where appropriate;
  - h) To foster the exchange of information and expertise between its members, UCI and any other sports organisation;
  - i) To support and uphold the integrity and regularity of cycling competitions;
  - j) In order to attain the above objectives, to maintain contacts, cooperation and negotiations with any cycling related organisations, or with any relevant public and private institutions, including in particular with the relevant social partners, as well as with non-member cycling stakeholders;
  - k) To achieve any and all other missions to further the objectives of the association or as may be deemed incidental or conducive to the attainment of such objectives or any of them.

## **II. MEMBERSHIP**

### **3. MEMBERS**

- 3.1 UNIO membership is open to all professional women's cycling teams affiliated to a UCI member association, registered to UCI and competing in the "Road races" discipline.
- 3.2 Subject to Articles 5 and 6 of these Statutes, membership is granted per sporting seasons and shall be automatically renewed every year provided that the team is still affiliated to a UCI member association.

### **4. RIGHTS OF THE MEMBERS**

- 4.1 Each member of UNIO shall have the following rights:
- a) To participate in the activities of UNIO;
  - b) To take advantage of the opportunities and benefits that UNIO may obtain;
  - c) To make proposals to the Managing Committee and to the General Secretary to improve the implementation of the objectives of UNIO;
  - d) To attend the meetings of the General Assembly, with the right to speak and to vote;
  - e) To propose and elect candidates for the Managing Committee;
  - f) To be informed of the state of the accounts of UNIO;
  - g) To be informed of all decisions adopted by the UNIO Bodies;
  - h) To be regularly informed of the activities of UNIO.

### **5. OBLIGATIONS OF THE MEMBERS**

- 5.1 Each member of UNIO shall have the following obligations:
- a) To pay the annual membership fees;
  - b) To actively contribute to the work of UNIO in furtherance of its objectives and in particular, to participate actively in all available decision-making processes by attending the meetings they were invited to and by making use of their voting rights;
  - c) To comply with these Statutes, and in particular with the Objectives set out in Article 2 of these Statutes;

- d) To comply with any regulation and/or decision taken by the General Assembly and/or the Managing Committee and/or the General Secretary and with any agreement entered into between UNIO and any relevant cycling stakeholder, in particular with UCI, as may be in force from time to time;
- e) To notify the General Secretary of their address and their appointed representatives;
- f) To reflect and promote consistently, in particular in all relevant fora, the positions adopted by UNIO;
- g) To act in good faith at all times towards UNIO and other Members thereof.

## **6. SUSPENSION, TERMINATION & LOSS OF MEMBERSHIP**

- 6.1 The membership of a Member may be suspended for a certain period of time or terminated if it breaches these Statutes, a decision or regulation made pursuant to them. A suspended Member shall lose its membership rights for the duration of the suspension.
- 6.2 In particular, the membership of a Member may be suspended or terminated if:
  - a) It fails to settle its financial obligations to UNIO;
  - b) It breaches seriously these Statutes or any regulation or decision made pursuant to them;
  - c) It is not actively involved in the work of UNIO and fails to attend two consecutive meetings of the General Assembly or fails to use its voting right three times in the course of a season.
- 6.3 A Member will automatically lose its eligibility as a Member if:
  - a) It has its licence suspended or withdrawn by the UCI or the competent UCI member association;
  - b) It is prevented from participating in cycling competitions as per a final decision in force;
  - c) It is suspended as per the present Statutes;
  - d) It withdraws from UNIO; or
  - e) It is expelled from UNIO.
- 6.4 The decision to suspend or to expel a Member shall be taken by the General Assembly by simple majority of the Members.
- 6.5 The Managing Committee may suspend a Member at any time with immediate effect for the reasons specified above. In such case, the decision issued by the Managing Committee shall stay in full force and effect until the next General Assembly, unless it expires before.
- 6.6 A Member may withdraw its membership of UNIO by giving formal notice in writing to the Managing Committee.

### **III. ORGANISATION**

#### **7. GENERAL PROVISIONS REGARDING THE ORGANISATION OF UNIO**

7.1 UNIO may act through the following bodies (“UNIO Bodies”):

- a) The General Assembly;
- b) The Managing Committee;
- c) The General Secretary.

7.2 Resolutions on all matters which do not fall under the mandatory or statutory competence of a specific UNIO Body or which are not covered in these Statutes nor in any other regulation of UNIO, shall be decided by the Members. Such resolutions may be adopted in writing by circular letter or fax or electronic mail as well as via telephone or video conference, unless at least 20 % of the Members request oral deliberation.

7.3 Without derogating from these Statutes, further internal working methods, consultation & election processes within UNIO as well as general and detailed terms regarding the organisation of each UNIO Body may be established within separate Organisational Regulations.

### **IV. GENERAL ASSEMBLY**

#### **8. COMPOSITION**

8.1 The General Assembly is the supreme body of UNIO and shall consist of every Member of UNIO.

8.2 Each Member shall appoint one representative to attend the General Assembly. The members of the Managing Committee may be also appointed as representative of a Member at the General Assembly.

8.3 The members of the Managing Committee not appointed as representative of a Member and the General Secretary shall participate in the General Assembly without voting rights.

8.4 Upon invitation of the Managing Committee, interested third parties may also attend the General Assembly.

#### **9. POWERS**

9.1 The General Assembly has the following powers:

- a) To modify these Statutes;
- b) To hold elections of the Managing Committee in accordance with the rules set out in Article 16;

- c) To decide all matters which are not reserved to other bodies of UNIO;
- d) To supervise the activities of the other UNIO Bodies and to dismiss them at any time, without prejudice to any contractual rights of those dismissed;
- e) To approve the annual membership fees and the yearly budget submitted by the Managing Committee;
- f) To approve the accounts;
- g) To appoint an independent auditor;
- h) To discharge any member of the Managing Committee;
- i) To suspend or expel any Member from UNIO upon a proposal of the Managing Committee;
- j) To dissolve UNIO.

## **10. MEETINGS**

- 10.1 The General Assembly shall be chaired by the President of the Managing Committee or, in his/her absence, by the Vice-President of the Managing Committee.
- 10.2 Ordinary meetings of the General Assembly shall be held, in principle, once a year at a time decided by the Managing Committee.
- 10.3 Extraordinary meetings of the General Assembly may be held if requested by at least 20 % of the Members.
- 10.4 The Members shall be notified at least 30 days in advance of any meeting of the General Assembly. The General Secretary will notify members of all items on the agenda together with the date and place of the meeting. Any Member may, within five calendar days of receiving such notification, request additional items to be placed on the agenda. Such request shall be supported by at least 25% of the Members. The General Secretary shall notify Members of the final agenda, including all additional items, within at least five calendar days in advance of any meeting of the General Assembly.
- 10.5 There may also be informal meetings of the Members within specific committees, expert panels and working groups, as set out in the Organisational Regulations, which may adopt proposals for the Managing Committee and provide reporting of its meeting(s) at the General Assembly.

## **11. QUORUM & DECISIONS**

- 11.1 All decisions/votes of the General Assembly may be made through circulation (including by letter, fax or email) or by any other electronic system (e.g. voting platforms or election softwares).



- 11.2 Decisions of the General Assembly shall be adopted by simple majority of the voting Members, except for any decision to transfer the seat of UNIO, to amend these Statutes, to dissolve UNIO, to expel a Member from UNIO or to revoke a member of the Managing Committee, which must be adopted by 75 % of the all the Members present or represented.
- 11.3 The election of the members of the Managing Committee shall be held in accordance with the rules set out in Article 16 of these Statutes.

## **12. VOTING RIGHTS & PROCEDURES**

- 12.1 Each Member shall have one vote which shall be exercised on its behalf by its appointed representative.
- 12.2 Votes by proxy or by letter/email shall be permitted.
- 12.3 Votes by electronic system shall be permitted.
- 12.4 Votes shall be open (show of hands). Nevertheless, voting by secret ballot can be used:
- a) for the admission, suspension and exclusion of members of UNIO;
  - b) for the election and dismissal of the members of the Managing Committee;
  - c) at the request of one-third of the Members.

## **13. MINUTES**

- 13.1 The Minutes of the General Assembly and the outcome of any decision/vote shall be sent to all Members within 30 days of the meeting or the decision/vote.
- 13.2 The Minutes shall be signed by the President of the Managing Committee (or in his/her absence, the Vice-President) and the General Secretary.

## **V. MANAGING COMMITTEE**

### **14. COMPOSITION**

- 14.1 The Managing Committee is the executive body of UNIO and shall be composed of at least 3 and up to 5 Members' representatives elected by the General Assembly.
- 14.2 The candidates shall be proposed by the Members to the General Secretary in writing by the date set by the General Secretary in the call for candidates which can in no case be later than 14 days before the date set for the elections.

- 14.3 The members of the Managing Committee can be joined by a maximum of two co-opted members who do not belong to Members.
- 14.4 The Managing Committee shall elect a President and a Vice-President from among its members for a duration of 1 year. The members may not serve more than two consecutive terms as President or as Vice-President.

## **15. ELIGIBILITY REQUIREMENTS**

- 15.1 All members of the Managing Committee (with the exception of the co-opted members) must hold active office with a Member for the entire period of their term of office. Active office is a position whereby a person is actively involved in the day-to-day senior management of a Member and/or holding an executive position of a Member, such as a president, chairman, member of the board or partner.
- 15.2 A member of the Managing Committee cannot be in a situation or hold a position with any third party which is of such nature that constitutes a clear conflict of interest with UNIO's objectives and interests. Any circumstances which might be of such nature must be disclosed to the General Secretary.
- 15.3 The Managing Committee shall be renewed every two years. Outgoing members shall be eligible for re-election.

## **16. ELECTIONS**

- 16.1 The election of the Managing Committee shall be made by the General Assembly.
- 16.2 During an election, each Member may vote for one candidate per vacancy. The candidates who obtain the most number of votes shall be elected. In case of an equality of votes for the last position(s) available, a runoff election of the tied candidates will be conducted.
- 16.3 The results of the elections shall be communicated by the General Secretary to the Members at the end of the voting procedure.
- 16.4 If there is only one candidate for a position or if there are as many candidates as there are positions, the election is conducted without voting.
- 16.5 If a member of the Managing Committee elected by the General Assembly is recalled, withdraws or becomes no longer eligible to serve on the Managing Committee during his/her term of office, a replacement will be proposed by the Managing Committee and elected by the Members for the remaining period of his/her term.

16.6 The Managing Committee, composed in accordance with Article 14.1, may co-opt, for their particular qualities and capacities, not more than 2 persons of their choosing to sit as members of the Managing Committee. Except in the event of resignation or dismissal by the General Assembly or by the Managing Committee, the terms of office of such members shall expire at the same time as that of the sitting Managing Committee.

## **17. POWERS**

17.1 The Managing Committee has the following powers:

- a) To study, prepare and submit any proposals to the General Assembly;
- b) To study, prepare and submit any proposals for the acceptance of the Members outside of the General Assembly in accordance with Article 7.2;
- c) To appoint the General Secretary;
- d) To prepare a report on any membership issue, including sanction proposals, and submit it to the General Assembly for approval;
- e) To prepare the yearly budget and submit it to the General Assembly for approval;
- f) To adopt such regulations and take such decisions as necessary to implement these Statutes;
- g) To adopt and amend the Organisational Regulations in accordance with Article 7.3;
- h) To create the various committees, expert panels and working groups it deems necessary for the functioning of UNIO in accordance with the Organisational Regulations;
- i) To ensure the necessary flow of communication and information between UNIO and UCI and any other relevant cycling related organisations;
- j) To present proposals accepted by the Members to the appropriate bodies established within UCI and any other relevant cycling related organisations;
- k) To engage in discussions in the view to enter into agreements with UCI and any other relevant cycling related organisations and to submit those agreements for the acceptance of the Members.

17.2 The Managing Committee may not conclude binding agreements with third-parties without the previous approval of the General Assembly.

## **18. OBLIGATIONS**

18.1 The members of the Managing Committee shall:

- a) Implement the decisions adopted by the Members and the General Assembly;

- b) Be present at the meetings of the Managing Committee with a minimum presence of 80% of the meetings per sporting season;
- c) Actively contribute to the meetings and work of the Managing Committee in furtherance of its objectives;
- d) Reflect and promote consistently, in particular in all relevant fora, the positions adopted by UNIO;
- e) Act in good faith towards UNIO, its Members, the Managing Committee and the General Secretary;
- f) Immediately inform the General Secretary if they cease to have an active office at a Member. An individual who ceases to have an active office at a Member can no longer be a member of the Managing Committee or act as an UNIO appointed representative and the individual agrees to comply with any instruction given by the Managing Committee regarding his/her resignation from the appointed position and the timing thereof;
- g) Submit their personal details to the General Secretary and notify him/her of any changes;
- h) Inform the General Secretary in writing of any positions that they hold within a relevant cycling and sports body (UCI, UCI member association, National and International Olympic Committee, etc.);
- i) Avoid any situation and refrain from holding a position which constitutes a conflict of interest with UNIO's objectives and interests. Any circumstance which may be of such nature must be disclosed to the General Secretary;
- j) Refrain from taking part in the deliberation process(es) of any matter in which a conflict of interest exists;
- k) Comply with the general obligations of the Members provided under Article 5.1 of these Statutes, as applicable *mutatis mutandis*.

## **19. MEETINGS**

- 19.1 The President or, in his/her absence, the Vice-President shall chair the meetings of the Managing Committee.
- 19.2 The Managing Committee shall meet as often as may be determined by the President or when requested by three of its members, but as a rule no less than four times per year.

- 19.3 Members of the Managing Committee shall, in principle, be notified at least 20 days in advance of any meeting. The General Secretary will notify the members of the Managing Committee of all items on the agenda together with the date and place of the meeting. The members of the Managing Committee may, within five calendar days of receiving such notification, request additional items to be placed on the agenda. The General Secretary shall notify the members of the Managing Committee of the final agenda, including all additional items, three calendar days prior to the actual meeting. Notwithstanding the above, the Managing Committee may decide at any time any matter within its competence if this is decided by 100 % of its members.
- 19.4 The General Secretary participates in the meetings of the Managing Committee without voting rights.
- 19.5 The President or the General Secretary may invite interested third parties to attend meetings.

## **20. QUORUM & DECISIONS**

- 20.1 The Managing Committee shall be validly convened if a minimum of two-thirds of its members attend the meeting.
- 20.2 Decisions of the Managing Committee shall be adopted by simple majority of the members present.
- 20.3 In the event of a tie, the President shall have the casting vote.
- 20.4 A decision made through circulation (including by letter, fax or email) or by any other electronic system (e.g. voting platforms or election softwares) and accepted by a simple majority of all the members of the Managing Committee shall be valid and effective as if it had been adopted at a meeting.

## **21. VOTING RIGHTS & PROCEDURES**

- 21.1 Each member of the Managing Committee shall have one vote.
- 21.2 A member unable to attend a meeting of the Managing Committee may be replaced by a proxy holder, which proxy may given by way of letter, e-mail, facsimile transmission or by any other means in writing. Such proxy shall be delivered to the General Secretary.
- 21.3 Votes shall be open, unless at least half of the members present request a secret ballot.

## **22. MINUTES**

- 22.1 The Minutes of the Managing Committee meetings and the outcome of any decision/vote shall be sent to all Members within 20 days of the meeting.

22.2 The Minutes shall be signed by the President (or in his/her absence, the Vice-President) and the General Secretary.

## **VI. GENERAL SECRETARY**

### **23. FUNCTION**

23.1 The General Secretary shall head the administration of UNIO and shall have the following functions:

- a) To manage the day-to-day tasks of UNIO;
- b) To organise and prepare the meetings of the General Assembly and the Managing Committee, as instructed by the latter;
- c) To attend, without voting rights, meetings of the General Assembly and of the Managing Committee;
- d) to draw up the minutes of each meeting of the General Assembly and of the Managing Committee;
- e) to communicate to the Members the minutes of the General Assembly and of the Managing Committee as well as the results of any decision/vote of the UNIO Bodies;
- f) To prepare an annual budget;
- g) To supervise the accounts of UNIO;
- h) To perform all tasks that may be entrusted to him by the Members or the Managing Committee.

### **24. APPOINTMENT AND REMUNERATION**

24.1 The General Secretary is appointed as an employee of UNIO by the Managing Committee.

24.2 The General Secretary shall sign a specific employment agreement with UNIO and shall receive a remuneration to be determined by the Managing Committee.

### **25. POWERS**

25.1 The General Secretary shall direct the overall management of UNIO and its day-to-day economic and administrative operations, for which purpose he or she may perform all such acts and sign, subject to Article 27.2 of these Statutes, all such contracts as he or she may deem appropriate.

## **26. OBLIGATIONS**

26.1 The General Secretary shall:

- a) Implement the strategy and the decisions taken by the Members, the General Assembly or the Managing Committee;
- b) Actively contribute to the meetings and work of UNIO Bodies in furtherance of the objectives of UNIO;
- c) Attend all the meetings of the General Assembly and of the Managing Committee;
- d) Report the activities of the UNIO at each meeting of the meetings of the General Assembly and of the Managing Committee;
- e) Avoid any situation and refrain from holding a position which constitutes a conflict of interest with UNIO's objectives and interests. Any circumstance which may be of such nature must be disclosed to the Managing Committee. In particular, the General Secretary shall not hold any position within a Member of UNIO;
- f) To reflect and promote consistently, in particular in all relevant fora, the positions adopted by UNIO;
- g) To act in good faith at all times towards UNIO.

## **VII. REPRESENTATION AND FINANCES**

### **27. REPRESENTATION & SIGNATORY POWER**

27.1 UNIO shall be represented towards third-parties by the Managing Committee.

27.2 All the members of the Managing Committee may validly represent UNIO towards third-parties with a joint signature of two.

27.3 The Managing Committee may delegate part of its powers to the General Secretary and appoint proxy holders and other commercial mandate holders.

### **28. REVENUES & MEMBERSHIP FEES**

28.1 The economic resources of UNIO shall consist of:

- a) membership fees;
- b) any subsidies or donation granted by public or private entities interested in the development of professional cycling,
- c) any sales, television and advertising revenues and levies from cycling competitions;
- d) revenues from the exploitation of rights of any kind.

28.2 The annual membership fee shall be proposed by the Managing Committee in a reasonable manner having regard to the composition of UNIO and shall be approved by the General Assembly.

28.3 The fee shall be paid at the beginning of the financial year. Only the assets of UNIO shall be liable for the debts of UNIO. There is no liability of the Members for liabilities of UNIO.

## **29. ACCOUNTS AND FINANCIAL YEAR**

29.1 Each year the Managing Committee shall draw up the accounts for the previous financial year and submit them to the General Assembly for approval.

29.2 The financial year shall run from July 1 to June 30 of the following year.

## **30. FINANCIAL AUDIT**

30.1 An auditor may be elected by the General Assembly for a term of office of two years. The auditor audits the annual financial statements and presents its report to the Ordinary meetings of the General Assembly.

## **VIII. FINAL PROVISIONS**

### **31. DISSOLUTION**

31.1 In the event of dissolution of UNIO, the Managing Committee shall act as the liquidating committee and settle all debts.

31.2 If any assets remain they shall be distributed to the Members.

### **32. OFFICIAL LANGUAGES AND COMMUNICATIONS**

32.1 The official language of UNIO is English.

32.2 If official documents of UNIO are published in several languages, the English version shall be authoritative.

32.3 Any meeting of the General Assembly, the Managing Committee, committees, expert panels and working groups of UNIO, shall be conducted in English. In principle simultaneous translations shall not be provided.

32.4 Written communications to or by the Members and/or the Managing Committee and/or the General Secretary shall be in English.

32.5 Communications to or by the Members and/or the Managing Committee and/or the General Secretary shall be by ordinary mail, fax or email.



### 33. APPLICABLE LAW AND JURISDICTION

33.1 These Statutes shall be governed by the laws of Switzerland.

33.2 Any dispute arising from or related to the application of these Statutes, and/or any regulations adopted by UNIO, as well as any dispute between UNIO and a Member or an individual appointed or elected to a position within or by UNIO shall be resolved by arbitration in accordance with the Swiss Rules of International Arbitration of the Swiss Chambers' Arbitration Institution in force on the date on which the Notice of Arbitration is submitted in accordance with these Rules. In the event of a dispute involving exclusively parties with their seat/domicile in Switzerland, the application of the Swiss Civil Code of Procedure shall be excluded and instead the provisions of the Chapter 12 of the Swiss Private International Law Act shall apply. The number of arbitrators shall be one; The seat of the arbitration shall be Zug, Switzerland; The arbitral proceedings shall be conducted in English.

### 34. TRANSITORY PROVISIONS, ADOPTION, COMING INTO FORCE OF THESE STATUTES

34.1 By way of derogation from Article 14, (i) the Managing Committee shall be composed of the designated representatives of the undersigned founding Members of UNIO during a period of 24 months from the adoption of these Statutes and (ii) the first President and the first Vice-President of the Managing Committee shall be elected by such founding Members during the Constitutive General Assembly. The first elections of the Managing Committee by the General Assembly (as set out in Articles 14 and 16) may only be held after such period of 24 months.

34.2 Until the General Secretary is appointed by the Managing Committee, all tasks to be performed by the General Secretary under these Statutes shall be carried on by the Managing Committee.

34.3 These Statutes were originally adopted during the Constitutive General Assembly held in Geneva, Switzerland, on 27 January 2020, and come into force as of that date.

Esra Tromp

President of UNIO



02. February 2021

Dany Stam

VP of UNIO



Ronny Lauke

Member of UNIO management committee

