



# **Statutes of the European Waterpark Association e.V.**



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Note: The male gender form is used in a generalised way in these Statutes. This is not intended to discriminate, but rather to simplify the text for ease of reading. In such instances, all genders are implied, unless otherwise specified.



## I. NAME AND PURPOSE OF THE ASSOCIATION

### § 1 Name and location

1. The Association bears the name "EWA – European Waterpark Association e.V."
2. The Association conducts its business in Europe.
3. The Association's headquarters are in Nuremberg (Germany).

### § 2 Association's purpose and duties

1. The Association aims to promote and protect the commercial, economic, and professional interests of its members on a collective basis.
2. As part of the Association's purpose, it carries out the following duties:
  - a) Representing the interests of members in political bodies, as well as towards authorities and other institutions
  - b) Providing regular information to members about new developments in the leisure sciences
  - c) Supporting academic projects to research the leisure behaviour of the population
  - d) Informing the public about industry conditions and the range of services offered by its members
  - e) Information about the Association's member companies within the industry ("Business to Business") and towards customers ("Business to Customer")
  - f) Conducting specialist meetings and training events
  - g) Promoting internal information exchange and exchange of experience within the Association
3. In order to carry out its duties, the Association also represents the commercial policy interests of its members in the public realm and in other organisations. For this purpose, the Association may acquire membership in such organisations and arrange collaborations.
4. Concerns about the economic, legal, and tax affairs of individual members can only be dealt with or represented within the remit of the Association if they are in the interest of all members.



5. The implementation of the Association's statutory services is governed by the Rules of Procedure.

### **§ 3 Business Year**

The Business Year is the same as the calendar year.



## II. MEMBERSHIP

### § 4 Types of membership

1. The Association is made up of the following types of members:
  - a) Regular Members
  - b) Associate Members
  - c) Supportive Members
  - d) Honorary Members
2. Regular and/or Associate Membership can be attained by leisure and adventure pools, waterparks, spas, and sauna worlds. This type of membership is for natural or legal persons who own and/or operate their facility.
3. Leisure and adventure pools or rather waterparks are outdoor or roofed bathing complexes which, due to their operational concept, architectural design, and facilities, are not primarily used for athletic swimming or for exclusively therapeutic purposes. Spas are health-oriented adventure pools. Sauna worlds with integrated wellness features are facilities that stand out from typical small sauna facilities due to their diverse types of sauna and their extensive floor area. The purpose of a sauna world is a several-hours stay with an abundance of recreation facilities.
4. Regular Membership can be attained by leisure and adventure pools, spas, waterparks, and sauna worlds which are run for profit and meet a certain quality standard. The quality standard is outlined in the Admission Guidelines. The respective quality standards must also be maintained for the entirety of the membership.
5. Associate Membership may be acquired by natural or legal persons who, at an advanced stage of planning, aim to establish and/or operate leisure and adventure pools, waterparks, spas, and sauna worlds, which, due to their planning, are designed to attain Regular Membership in the future. Associate Members are entitled to participate in all the Association's General Meetings and events but without the right to vote.
6. Supportive Members may be natural or legal persons as well as Associations that wish to support the objectives of the Association and whose membership is also in the interest of the Association. However, they cannot meet the requirements for attaining Regular or Associate Membership. Supportive Members are also entitled to participate in all the Association's General Meetings but without the right to vote.



7. Supportive Members are typically natural or legal persons who work in the “leisure” industry.
8. Honorary Members can be natural persons who have made an excellent contribution to the Association or to the general promotion of leisure and adventure pools, waterparks, spas, and sauna worlds. If an Honorary Member has already been President, he can also be appointed as Honorary President of the Association.

## **§ 5 Acquisition of membership**

1. Regular, Associate, and Supportive Members are appointed by a decision of the Board.
2. All applications for membership must be submitted in writing.
3. If an application for Regular Membership is not unanimously denied by the Board, it is possible for the applicant to appeal to the Board at the next regular General Meeting to hold another vote on the matter. Applications for Associate Membership and Supportive Membership are decided by the Board.
4. The Admission Guidelines are established at the General Meeting.
5. Membership begins on the 1<sup>st</sup> of the following month. Membership rights come into effect with the payment of the first (if necessary, proportional) annual fee.
6. Honorary Members are appointed by a suggestion of the Board at the General Meeting.



## **§ 6 Members' rights and obligations**

1. Members have the right to:
  - a) make use of the Association's facilities
  - b) identify themselves as members of the Association and use its logo in their facilities, on their business letterheads and other printed materials. Misuse or, rather, misleading usage may lead to expulsion.
2. Members are obliged to:
  - a) adhere to the Statutes of the Association and to the decisions made by its bodies
  - b) promote the interests of the Association and give it full support
  - c) make available all necessary information and documentation for the Association's membership records, as well as changes within the company, the name of the owner, co-owner, and authorised manager or of the managing director, to the extent that this information is deemed necessary by the Board for the carrying out the Association's duties
  - d) refrain from joining or belonging to any organisation or association whose interests compete with or contradict the objectives of the EWA. The Board decides whether a conflict of interest exists.

## **§ 7 Admission fees, contributions, levies, and litigation fund**

1. Membership fees are charged (if necessary, proportional) annually and are payable on 1<sup>st</sup> January for the current membership year.
2. The levy for public relations is charged as an annual (or proportional) contribution. The levy is paid plus the respective valid value-added tax.
3. Levies may be charged as a result of special circumstances. This applies, for example, for the realisation of processes, particularly on account of unfair competition or carrying out specific operations for promotion and public relations. When it comes to special services for individual member companies, the Association has the right to demand reimbursement of special expenses.
4. A litigation fund can be set up to carry out processes.



5. The amount to be paid for annual admission fees, possible levies, and contributions to the litigation fund are determined at the General Meeting and governed by the Contribution Rules.

## **§ 8 Termination of membership**

1. Membership is terminated through:
  - a) Written resignation with six months' notice prior to the end of the calendar year
  - b) Closure of the business at the end of the calendar year in which the closure occurs
  - c) Death or, in the case of legal persons, through liquidation
  - d) A legally binding order issued by the government to close the business
  - e) Expulsion

Termination of membership does not withdraw the obligation to pay the membership fee for the current business year. Upon termination of membership, any entitlement to the Association's assets will expire.

2. A member may be expelled by a Board decision, in particular, for one of the following reasons:
  - a) A serious infringement of the Statutes, in particular of § 6
  - b) Unpaid contributions or levies, after three reminders
  - c) A criminal conviction of the owner, the authorised managing director, or any other person entrusted with representing the company at the General Meeting, for an asset offence, insofar as he has been given a custodial sentence of more than 6 months. Another reason for expulsion is the loss of civil rights due to a sentence of more than 1 year.
  - d) The opening of insolvency procedures or dismissal for lack of assets
  - e) Failure to maintain the quality standards set out in the Admission Guidelines in the case of Regular Members, or failure to reach an advanced state of progress in the case of Associate Members, within 6 months of being reprimanded by the Association
  - f) Other serious offence(s) against the interest of the Association
3. Appeals can be made against expulsion. An appeal must be made within one month of expulsion. The Board may remedy the appeal, otherwise the Arbitration Panel must decide. The Board may object to the Arbitration Panel's decision. If so, the Assembly at the General Meeting decides. Until the matter is settled, the remaining member rights are suspended. If the





Board does not appoint an Arbitration Panel, the Assembly at the General Meeting shall decide in its place.

4. If there appears to be a valid reason to expel a member, the Board and, in urgent cases, the President may order that the membership privileges be suspended as a precautionary measure.



### III. BODIES

#### § 9 Bodies of the Association

1. Bodies of the Association are:
  - a) the Assembly at the General Meeting
  - b) the Board
  - c) the Committee of Supportive Members

#### § 10 General Meeting

1. The General Meeting takes place at least once a year. Written invitations should be sent to the members at least 21 days before the meeting. Documents sent via email are considered as written documents. The agenda should be fixed by that date and sent to the members. Motions for the agenda must be received by the Board or the Management at least 14 days before the General Meeting. A motion that is submitted late can only be considered if a simple majority of the members at the General Meeting agree to put the motion on the agenda.
2. The right to vote at the General Meeting is conferred upon Regular and Honorary Members. Regular Members can be represented by company members or Association members by means of a power of attorney issued in writing for each individual case. However, no individual Regular Member may represent more than one vote of another Regular Member. For important votes, the Board may exclude representation by power of attorney provided it has previously made this known in the invitation and agenda. Honorary Members may only exercise their voting rights in person. Associate Members and Supportive Members have the right to vote only if the Regular Members or the Board decide by a majority vote beforehand for a matter. One exception is the election of the Members of the Committee of Supportive Members, which is carried out at the General Meeting by the representative Supportive Members.
3. When it comes to decision-making, a simple majority vote is decisive. On decisions to amend the Statutes, the approval of two-thirds of the representative votes is vital. The General Meeting constitutes a quorum regardless of the number of members present or represented. This excludes the provisions of § 18.
4. Non-Regular Members' meetings are decided by the Board or per the written request of at least one-quarter of all Regular Members. Non-Regular



Members' meetings must take place within three months of receipt of the application by the Board.

5. Requests for amendments to the Statutes, elections and new elections require the written support of 25% of the Regular Members and must be dealt with at a General Meeting within three months of receipt by the Board.
6. The President or his deputy presides over the General Meeting. The deputy is either one of the two Vice Presidents or another Board Member who is entrusted by the President to engage in the role. If the President does not appoint a Chairman, the Board decides who chairs the General Meeting.

## **§ 11 General Meeting Tasks**

1. In addition to the tasks assigned to it by the Statutes or by legal requirements, the General Meeting is used to carry out, in particular, the following duties:
  - a) Election of the President, his first and second deputy as well as the other Board Members
  - b) Election of the Auditors
  - c) Election of the Members of the Committee of Supportive Members by the present representatives of Supportive Members
  - d) Election of the election official
  - e) Election of members of committees, disciplinary panels, etc. of the Association
  - f) Receipt of the Annual Report and approval of the annual accounts
  - g) Discharge of the Board
  - h) Approval of the Budget
  - i) Determining the basis for calculating and the amount of annual contributions, admission fees, levies, and contributions to the litigation fund
  - j) Appointment of Honorary Members and Honorary Presidents
  - k) Decisions on motions
  - l) Decisions on amendments to the Statutes
  - m) Decisions on the dissolution of the Association in accordance with § 18 of the Statutes
2. The President, his deputies and the other Board Members are elected in a secret ballot for a term of three years. A separate vote takes place for the election of the President, his two deputies and the other Board Members respectively. Re-election is permitted. If a Board Member retires within the term of office, another election for the position takes place during the next



regular General Meeting. Similarly, there will be a vote for the election of the other colleagues who perform certain duties on behalf of the Association. Re-election is permitted. Voting at the General Meeting typically takes place openly. However, the vote must be held in secret, provided that 25% of the members present at the meeting request it or the Board calls a secret ballot.

Proposals for the role of President, his deputies and the other Board Members must be received by the President or the Management at least 30 days before the General Meeting so that the names of the candidates can be sent to the members in good time along with the invitation and the agenda. They must be submitted to the President or the Management together with the proposed candidate's written consent.

In exceptional cases, which must be justified, especially if not enough candidates have been nominated to fill all possible positions in accordance with § 12 of these Statutes, nominations are also possible shortly before or during the General Meeting.

In principle, all members of the Association are entitled to make a proposal, and only Regular Members are entitled to vote.

The election of the Committee of Supportive Members must be dealt with in the same procedure. In principle, all Association members are entitled to make a proposal, but only Supportive Members are entitled to vote for the Committee.

If a representative of the Board or Committee leaves his company during the legislature period, he must resign from office immediately and a by-election must be held at the next General Meeting, unless the person moves to a company that is also an Association member that is eligible to vote him into office.

3. If amendments to the Statutes are to be approved, "amendment to the Statutes" must be stated as an item on the agenda. The wording of the motions requesting an amendment to the Statutes must be communicated to the Members at least 21 days before the General Meeting. Accordingly, applications for amendments to the Statutes must be submitted to the Board or the Management at least 30 days before the date of the General Meeting.
4. Amendments to the Statutes, in principle, are decided by the Assembly at the General Meeting. If, when registering an amendment to the Statutes in the Register of Associations, the District Court requests certain amendments that are not considered essential, the Board is authorised in accordance with § 26 of the German Civil Code to decide on such amendments



to the Statutes alone and to propose them. Members must then be informed of such changes.

## § 12 Board

1. The Association is directed by the Board. In particular, it ensures that decisions made at the General Meeting are carried out, the Statutes are observed, it manages the Association's assets, and supervises the Management.
2. The Board comprises the President, two Vice Presidents and four Assessors. If a nation with at least five Regular Members is represented in the EWA, that nation should be represented on the Board with at least one member. If this condition is not met, the Board may decide to extend the Board accordingly and hold a by-election at the next General Meeting. This procedure is like that of a retired Board Member, but in this case, the candidates, who have at least five Regular Members, must come from the nations previously not represented on the Board. Board Membership is a personal membership. Only a Regular Member of the EWA with the right to vote at the General Meeting can become a Board Member. If this requirement is not met, the seat on the Board must be relinquished. The Board appoints a Treasurer from its circle.
3. The President and the two Vice Presidents form the Board in accordance with § 26 of the German Civil Code. The external representation of the Board is carried out by either the President alone or by the two Vice Presidents together.
4. The Board issues the Rules of Procedure.
5. Decisions on expulsion applications are made by three-quarters, whereas other decisions require a simple majority of the present Board Members. In the event of a tie, the vote of the Chairman is decisive. By order of the President, decisions of the Board can also be made in writing.



### § 13 Committee

1. From the circle of Supportive Members, a Committee of 5 persons is elected. The Committee Members are elected in a secret ballot every 3 years, parallel to the regular election of the Board at the General Meeting. Proposals for potential Committee Members must be received by the President or the Management at least 30 days before the General Meeting. Written consent from the proposed candidates must be included. The names of the candidates will be announced to members along with the sent-out invitation and the agenda. All members of the EWA are entitled to propose candidates; the representatives of the Supportive Members at the General Meeting are entitled to vote. The election of the Committee Members takes place by secret ballot. Re-election is permitted. The Committee elects a Chairman at its constituent meeting. He advises the Board on matters relating to the Supportive Members and their trusted cooperation with the other members of the Association. The Chairman of the Committee is brought in by the President for agenda items at Board Meetings, in which matters concerning Supportive Members are discussed. The Committee may propose agenda items, which the Board will then have to address at one of its next meetings.

### § 14 Management

1. The Management is set up by the Board for the completion of ongoing Association business and for participating in the implementation of decisions of the Association's bodies. The Management's duties and powers are determined by the Rules of Procedure issued by the Board.
2. The head of Management is a Managing Director. The Managing Director cannot be a Board Member. The Board may also decide to have the Management's administrative matters carried out by third parties. In this case, the Managing Director is responsible for supervising and directing the duties performed for the Association.
3. The Management has a central office in which it carries out its duties. The Managing Director reports to the Board.
4. All meetings of the Association's bodies, the departments, interest groups, commissions, committees, and other institutions are attended by the Managing Director or a representative appointed by the Board. The absence of the Management representative does not render the decisions invalid.



5. All meetings and decisions must be accompanied by a protocol signed by the chairman of the relevant committee and his deputy. If one of these two persons has not attended the meeting, another participating member may sign the protocol on his behalf.

## **§ 15 Commissions**

The Board can set up commissions. In this undertaking, it determines the purpose and duration and appoints the Chairman of the Commission and its members, which should include at least one Board Member. The Chairman reports to the Board on the outcomes of his consultation.

In addition, it is possible for the Board to set up informal groups, such as a Marketing Network or Association Members' Meetings, at national level for regular exchanges of experience.



## IV. GENERAL REGULATIONS

### § 16 Jurisdictions

1. The Board may appoint an Arbitration Panel. The Arbitration Panel comprises 3 persons who must be representatives of the members at the General Meeting and may not be Board Members.
2. The Arbitration Panel may be called by members of the Association if there are disagreements about rights and obligations in accordance with the Statutes, disagreements about the interpretation of decisions of the Association's bodies, or to mediate disputes between Association members. Furthermore, disputes resulting from purchase, delivery, and service contracts between members, whether they are Regular, Associate, or Supportive Members, must be settled before the Arbitration Panel.

### § 17 Auditing

1. Before the General Meeting, the annual financial statements must be audited in due time by two Auditors. These Auditors report on the outcomes of the audit to the Assembly at the General Meeting. The report must be brought to the attention of the Board and the Management within a reasonable time period beforehand.
2. The Assembly at the General Meeting elects a permanent Auditor for a three-year term of office at the time of the Board election. At the same time, the Assembly at the General Meeting annually elects by a simple vote an Auditor for the current membership year. A re-election of an Auditor is only permitted after a period of 2 terms of office. Auditors can also be Supportive Members or Associate Members.

### § 18 Liquidation

1. The liquidation of the Association can only be conducted at a General Meeting which has been called specifically for this purpose by the Board or per the written request of a minimum of one-third of the members.
2. The decision to dissolve the Association can only be made if at least two-thirds of the members are represented in the vote. If this number is not





reached, a new General Meeting with the same agenda will be called within three weeks and will constitute a quorum regardless of the number of members represented. However, it must take place within three months of being called. The decision to dissolve the Association requires the approval of three-quarters of the members represented.

3. The purpose for which the assets should be allocated is decided by the Assembly at the General Meeting. Liquidation is carried out by the Board if the members at the General Meeting do not decide otherwise. In addition, the provisions of association law of the German Civil Code (BGB) shall apply to the liquidation.

## **§ 19 Privacy**

1. The EWA undertakes to comply with the legal provisions on data protection and strives to always consider the principles of data avoidance and minimisation.
2. Further details can be found in the Privacy Policy of the European Waterpark Association e.V., which is published on the Association's websites, among other things, and can be requested at any time by the members of the Association.

## **§ 20 Severability clause**

1. If individual provisions of these Statutes are wholly or partly invalid or void, or, as a result of changes in the legal situation or by supreme jurisdiction or otherwise, become wholly or partly ineffective or void, or these Statutes contain loopholes, the other provisions contained in these Statutes remain unaffected and valid.
2. In this case, at the next General Meeting, an effective replacement provision must be approved which is as close as possible to the meaning and purpose of the invalid provision. The same applies to any loophole in these Statutes.



## § 21 Validity

1. These Statutes were unanimously approved by the Assembly at the General Meeting of the European Waterpark Association on 25<sup>th</sup> October 2018 in Stuttgart. It attains validity with the inclusion of the new Statutes in the Register of Associations of Nuremberg District Court.

Stuttgart, 25<sup>th</sup> October 2018

General Director Markus Achleitner,  
President of the European Waterpark Association e.V.

Jutta Kleiber,  
Vice President of the European Waterpark Association e.V.

Oliver Sternagel,  
Vice President of the European Waterpark Association e.V.



## CONTRIBUTION RULES

Annex to § 7 Paragraph 5 of the Statutes of the EWA

### 1. Annual fee

The annual fees for Regular Members are calculated according to the annual visitor numbers in the entire facility of the individual member companies.

The annual fees amount to:

- for Regular Members with over 500,000 visitors p.a.: €1,000.00
- for Regular Members with 100,000 – 500,000 visitors p.a.: €500.00
- for Associate Members: €500.00
- for Supportive Members: €500.00

Honorary Members with a member company are not charged a fee.

The following discount ranges apply for multiple memberships of an operator group:

- 3 – 5 member companies: discount per spa is 20 %
- 6 – 10 member companies: discount per spa is 40 %
- 11+ member companies: discount per spa is 60 %

A contribution to the litigation fund will not be levied for the time being.

Regular Members must grant each member company free admission for two persons on presentation of the Member Card as part of informational visits, at least once a year. The definition of the extent of service (duration of stay) is at the discretion of the member spa. This claim is non-transferable.



## 2. Advertising levy

If not otherwise determined at the General Meeting, the following public relations levies apply:

- for Regular Members with over 500,000 visitors p.a.: €500.00 (net)
- for Regular Members with 100,000 – 500,000 visitors p.a.: €500.00 (net)
- for Associate Members: €500.00 (net)
- for Supportive Members €250.00 (net)



## ADMISSION GUIDELINES

Annex to § 5 No. 3 of the Statutes of the EWA

### **§1 Admission procedures**

An admission application submitted in writing will be decided within four weeks of receipt, either at the next Board Meeting or by a written vote (in accordance with § 12 No. 5 of the Statutes).

### **§ 2 General admission requirements for Regular Members**

The company must have at least 100,000 visitors (individual guests) per year and meet the current Europewide/nationwide hygiene and safety standards.

### **§ 3 Proof of admission requirements for Regular Members**

With the admission application, a brochure and/or planning documents must be submitted. If these documents do not clearly show how the company meets the admission criteria, the company will be visited by one or more Board Members or the Managing Director on behalf of the Board.

### **§ 4 Special admission requirements for leisure and adventure pools (“Indoor Waterparks”)**

Leisure and adventure pools (“Indoor Waterparks”) must contain the following:

- An architectural concept that differs significantly from traditional sports pools, both in terms of equipment and ambience
- A minimum of one slide at least 75 m long
- At least five different water attractions



- Several pools with a total water surface area of at least 500 m<sup>2</sup>
- Large-scale recreation and lounging areas
- Staffed catering in the bathing area

## § 5 Special admission requirements for “Outdoor Waterparks”

“Outdoor Waterparks” are facilities located mostly on outdoor, fenced-off premises, for which an entry fee is charged.

The minimum requirements for outdoor waterparks are:

- At least three different water slides
- Water playgrounds
- At least five different water attractions (Lazy River, Wild River, etc.)
- Restaurant/catering
- At least two to three pools with a total water surface area of 1,000 m<sup>2</sup>

## § 6 Special conditions for spas and health-oriented waterparks

Spas are health-oriented waterparks and they should meet the minimum standard set out in the following:

- Several pools with thermal and/or healing water and a total water surface area of at least 700 m<sup>2</sup>
- Pools that stand out clearly from sports swimming pools due to their amorphous shapes
- Sauna area with at least four different saunas
- Integrated catering in the bathing area
- Lavish decoration and an architectural concept that significantly contrasts traditional health and therapeutic spas (spa and therapy pools)
- At least five different water attractions



## **§ 7 Special admission requirements for sauna worlds**

Sauna worlds should contain:

- At least seven different sauna cabins, including at least one infusion sauna with 30 or more seats, and at least one steam bath
- Around 1,500 m<sup>2</sup> total floor area
- A pool with at least 100 m<sup>2</sup> water surface area
- Open-air facilities
- Generously sized and designed recreation and lounging areas
- Staffed dining/catering offers
- Extensive wellness programme (Massages, Treatments, Cosmetics, etc.).

## **§ 8 Admission of Supportive Members**

Supportive Membership applicants must prove that their undertaking meets the listed company criteria set out in §4 No. 5 Paragraph 2 of these Statutes, or they must show that their undertaking is closely connected to the waterpark industry.

## **§ 9 Admission of Associate Members**

Eligible for Associate Membership are persons who, due to the level of financing and approval, intend to establish a waterpark in accordance with § 4 to 6 of these Admission Guidelines.



**European Waterpark Association e.V.**

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