

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

- Journalnummer:** 2022-0048
- Klageren:** XX
2100 København Ø
- Indklagede:** Metroselskabet I/S v/Metro Service A/S
CVR-nummer: 21 26 38 34
- Klagen vedrører:** Kontrolafgift på 750 kr. grundet manglende check-ind på rejsekort
- Parternes krav:** Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at han havde penge på rejsekortet, at hans check-ind blev bekræftet af lyden fra rejsekortstanderen, beskeden "god rejse" samt grønt lys i displayet, at hans tidligere rejsekorthistorik er uden manglende check-ind, og at han fik misvisende information af stewarden
- Indklagede fastholder kontrolafgiften
- Ankenævnets sammensætning:** Nævnensformand, landsdommer Tine Vuust
Gry Midttun (2 stemmer)
Helle Berg Johansen
Anna Langskov Lorentzen

Ankenævnet for Bus, Tog og Metro har på sit møde den 6. april 2022 truffet følgende

AFGØRELSE:

Metroselskabet I/S v/Metro Service A/S er berettiget til at opretholde kravet om klagerens betaling af kontrolafgiften på 750 kr.

Klageren skal betale beløbet til Metroselskabet I/S v/Metro Service A/S, der sender betalingsoplysninger til klageren.

Da klageren ikke har fået medhold i klagen, tilbagebetales klagegebyret ikke, jf. ankenævnets vedtægter § 24, stk. 2, modsætningsvist.

- oOo -

Hver af parterne kan anlægge sag ved domstolene om de forhold, som klagen har vedrørt.

Klageren henvises til at søge yderligere oplysning om eventuel bistand i forbindelse med sagsanlæg fx på www.domstol.dk, www.advokatnoeglen.dk og /eller eget forsikringssselskab om eventuel forsikringsretshjælp.

SAGENS OMSTÆNDIGHEDER:

Klageren rejste den 7. marts 2022 med metroen fra Københavns Lufthavn til Nørreport st., da der efter Femøren st. var kontrol. Klageren foreviste sit rejsekort, hvorpå der imidlertid ikke var registreret et check-ind, og han blev derfor kl. 07:26 pålagt en kontrolafgift på 750 kr. for manglende check-ind på rejsekort. Stewarden har anført følgende bemærkning på den elektroniske kontrolafgift:

”
:OtherText>fortalte at han forsøgte at CH in i CPH uden held. </OtherText”

Rejsekorthistorik for klagerens rejsekort:

Reg. udstyr dato/kl.	Modtaget. system dato/kl.	Regnskabsperiode	Handling	Transakt.type	Kortnr.	Kortsekv.nr.	Rejseseqv.nr.	Lokation
27-02-2022 09:57:51	27-02-2022 10:04:40	01-02-2022	Check ind	Check ind	3084	57	24	Nordhavn St.
27-02-2022 10:22:45	27-02-2022 10:35:43	01-02-2022	Check ud	Check ud	3084	58	24	Københavns Lufthavn
07-03-2022 07:21:44	07-03-2022 07:38:22	01-03-2022	Kontrolmærke	Kontrol	3084	58		Femøren St.
07-03-2022 07:21:51	07-03-2022 07:38:22	01-03-2022	Kontrolmærke	Kontrol	3084	58		Femøren St.
07-03-2022 07:22:25	07-03-2022 07:38:22	01-03-2022	Kontrolmærke	Kontrol	3084	58		Femøren St.
07-03-2022 07:36:59	07-03-2022 08:01:38	01-03-2022	Check ind	Check ind	3084	59	25	Nørreport St.
07-03-2022 07:43:01	07-03-2022 08:01:44	01-03-2022	Check ud	Check ud	3084	60	25	Nordhavn St.

Samme dag anmodede klageren Metro Service om at frafalde kontrolafgiften og anførte, at han checkede ind på Lufthavnen st., hvilket tilsyneladende ikke var blevet registreret, selv om standen havde sagt en lyd og vist beskeden "god rejse".

Metro Service fastholdt den 9. marts 2022 kontrolafgiften med henvisning til, at der ikke var registreret et check-ind på klagerens rejsekort, at der ikke manglede kortsekvenser i klagerens rejsekorthistorik, og at der ikke var registreret problemer med check-ind-standerne på Lufthavnen st. den pågældende dag i tidsrummet mellem kl. 07:00 – 08:00, hvor klageren rejste, og hvor der i øvrigt havde været mere end 300 succesfulde check-ind. Metro Service tilbød at foretage en nærmere undersøgelse af den konkrete check-ind-stander, som klageren havde benyttet, og bad klageren om at oplyse, hvor den benyttede stander var placeret, samt at angive et omtrentligt tidspunkt for hans check-ind-forsøg.

Senere samme dag anmodede klageren igen Metro Service om at frafalde kontrolafgiften og anførte på ny, at standen havde sagt den korrekte lyd og vist beskeden "god rejse". Videre anførte han, at stewarden havde sagt, at han ikke ville behøve at betale kontrolafgiften, som var en ren formalitet, og at han havde tilstrækkelig med penge på rejsekortet samt en tank-op-aftale, hvorfor han ikke vidste, hvad mere han kunne have gjort. Imidlertid oplyste klageren ikke, som Metro Service havde anmodet ham om, hvilken stander han havde benyttet, og hvornår han havde checket ind.

Metro Service fastholdt fortsat kontrolafgiften med henvisning til, at der ikke var registreret et check-ind i rejsekortsystemet, og anførte videre, at stewarden ikke har mulighed for at vurdere, om der er sket en fejl, eller om passageren bevidst har forsøgt at unddrage sig betaling for rejsen, og beklagede, hvis stewardens udtalelse havde givet anledning til en misforståelse. Metro Service bad igen klageren om at oplyse, hvilken check-ind-stander han havde benyttet.

Klageren svarede den 10. marts 2022, at han havde indbragt sagen for ankenævnet.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Ankenævnet har tidligere til baggrund anmodet Rejsekort A/S om at få nærmere oplysninger om procesforløbet/transaktionen mellem standeren og Rejsekort, når kortet føres forbi standeren, og til standerens display viser teksten "OK god rejse". Ankenævnet spurgte endvidere, om der forelå undersøgelser eller oplysninger, der kunne verificere Rejsekort A/S' udsagn om, at det hidtil ikke var forekommet, at et Rejsekort var checket korrekt ind, uden af dette var noteret på rejsekortet.

Rejsekort A/S svarede ved at indsende redegørelse om Rejsekortlæsernes virkemåde fra East/West, der leverer Rejsekortsystemet, som har følgende konklusion:

"The overall conclusion is that the system is designed so that the validator will only show OK if the check in or check out was successful and data written to the card."

Efter det oplyste fra leverandøren af Rejsekortsystemet er systemet designet, så det ikke skulle kunne lade sig gøre at se teksten "OK" på standeren, uden at dette er registreret på kundens Rejsekort.

Rejsekort A/S gennemførte på foranledning af ankenævnet en analyse af systemet og registrering af data. Rejsekort A/S gennemførte en omfattende og grundig analyse af logning af mere end 30 mio. transaktioner. Analysen viste, at alle transaktioner med Rejsekortet, herunder forsøg på check ind eller check ud, var registreret i Rejsekortsystemet. Der blev imidlertid fundet 341 forekomster af såkaldte "duplicate transactions", hvor den pågældende transaktion ved enten check ind eller check ud ikke var blevet gengivet på selve Rejsekortet, men hvor transaktionen kun var registreret i back office.

Efter resultatet af denne analyse har ankenævnet ikke grundlag for at fastslå, at der kan forekomme transaktioner på klagerens Rejsekort, herunder forsøg på check ind, som ikke er registreret i back office.

Ankenævnet har fra indklagede selskab modtaget oplysninger fra Rejsekorthistorikken i back office om denne sags konkrete rejse, som bekræfter oplysningerne på klagerens Rejsekort om, at der ikke var checket ind på kortet.

På baggrund af det anførte, har ankenævnet ikke grundlag for at konstatere, at klageren havde checket sit Rejsekort korrekt ind på den pågældende rejse, hvor kontrollen foregik, idet check ind ikke var noteret på rejsekortet eller fremgår af oplysningerne i Back Office.

Ifølge Rejsekort Rejseregler skal Rejsekort checkes ind ved rejsens begyndelse, og det er passagerens eget ansvar at være checket korrekt ind.

Det fremgår af rejsekorthistorikken for klagerens rejsekort, at der blev checket ind og ud på kortet den 27. februar 2022. Kort tid efter kontrollen den 7. marts 2022 checkede klageren rejsekortet ind på Nørreport st. kl. 07:36 og ud igen kl. 07:43 på Nordhavn st., hvorfor der ikke har været tekniske fejl på kortet.

Endvidere kan ankenævnet ikke lægge til grund, at det manglende check-ind skyldtes fejl på rejsekortstanderen, da der ifølge det oplyste ikke blev registreret funktionsproblemer med check-indstanderne på Lufthavnen st. den 7. marts 2020 i tidsrummet, hvor klageren foretog sin rejse med metroen. Ankenævnet bemærker, at klageren har undladt at imødekomme Metro Services anmodning om at få oplyst, hvilken check-ind-stander han benyttede, med henblik på at indhente data fra den benyttede stander.

Ankenævnet bemærker videre, at stewarden i forbindelse med kontrollen noterede, at klageren oplyste, at han forgæves havde forsøgt at checke ind i Lufthavnen. Klageren har imidlertid efterfølgende gjort gældende, at han hørte lyden og så teksten for korrekt check ind.

Den omstændighed, at saldoen på klagerens rejsekort var tilstrækkelig til at foretage et check-ind, og at klageren havde en tank-op-aftale, kan ikke medføre, at klagerens rejsekortet kan anses for at have været korrekt checket ind på den pågældende rejse.

Kontrolafgiften for manglende check ind blev derfor pålagt med rette.

Det kan ikke føre til et andet resultat, at klageren forstod stewardens oplysninger således, at kontrolafgiften var en ren formalitet, som han ikke behøvede at betale.

Dette er et område med stor mulighed for omgåelse af passagerens pligt til at sørge for betaling af sin rejse, hvis det accepteres, at der er checket ind på Rejsekortet, uanset at dette ikke er registreret på kortet eller i back office.

Ankenævnet bemærker, at passageren kan kontrollere, om pågældende er korrekt checket ind ved at forsøge check ind på ny samme sted og inden for et begrænset tidsrum uden mellemliggende check ud, hvorved standeren vil vise teksten "Rejsekortet er allerede checket ind".

RETSGRUNDLAG:

Ifølge § 2, stk. 1, jf. § 3 nr. 3 i lovebekendtgørelse nr. 686 af 27. maj 2015 om lov om jernbaner, gælder loven også for metroen. Ifølge § 2 i lov nr. 206 af 5. marts 2019 om ændring af lov om trafikelskaber og jernbaneloven fremgår det, at jernbanelovens § 14, stk. 1, affattes således:

»Jernbanevirksomheder, der via kontrakt udfører offentlig servicetrafik, kan opkræve kontrolafgifter, ekspeditionsgebyrer og rejsekortfordringer.«

§ 14, stk. 2 og 4, ophæves, og stk. 3 bliver herefter stk. 2. Stk. 3 har følgende ordlyd:

"Passagerer, der ikke er i besiddelse af gyldig rejsehjemmel, har pligt til på forlangende at forevise legitimation for jernbanevirksomhedens personale med henblik på at fastslå passagerens identitet."

I de fælles landsdækkende rejseregler (forretningsbetingelser), som trafikvirksomhederne har vedtaget, præciseres hjemmelen til udstedelse af en kontrolafgift.

Det anføres således bl.a., at passagerer, der ikke på forlangende viser gyldig rejsehjemmel, herunder er korrekt checket ind på rejsekort til deres rejse, skal betale en kontrolafgift på 750 kr. for voksne. Det gælder også, hvis passageren har købt rejsehjemmel via en mobil enhed, der ikke kan kontrolleres, f.eks. hvis denne er løbet tør for strøm eller gået i stykker. Det er passagerens ansvar, at rejsehjemlen er endeligt modtaget på den mobile enhed før påstigning. Som passager uden gyldig rejsehjemmel betragtes også passager, der benytter kort med begrænset tidsgyldighed (f.eks. pensionistkort) uden for kortets gyldighedstid, eller hvis andre rejsebegrænsninger ikke overholdes (f.eks. for hvornår cykler må medtages, eller om der er betalt metrotillæg). Passagerer, der rejser alene på andres rejsekort personligt eller med en anden kundetype, end passageren er berettiget til, rejser uden gyldig rejsehjemmel. Kortindehaveren skal altid selv være checket ind på kortet på de rejser, hvor et rejsekort personligt benyttes. Rejsekortet må endvidere ikke være så slidt/tildækket, at navnet ikke kan læses.

PARTERNES ARGUMENTER OVER FOR ANKENÆVNET:

Klageren anfører følgende:

" I recently tapped my card to check-in at Copenhagen Airport (Kastrup). The machine lit up Green, made the infamous confirmation noise and showed the message 'god rejsen' which to my understanding means, with those three things combined, confirms a successful checkin. I haven't ever had any checkin or checkout issues in the past following this method. Upon taking my journey between Kastrup and Nørreport, I was issued a fine by the inspector. He said "it isn't the first time, its just a formality to issue a fine, just appeal it and they will cancel it". He then immediately got off the train and didn't check any further tickets from anyone else on the train. I therefore contacted Metro Service DK and they have declined my request to cancel the fee. They have sent me evidence of of my journey and this journey isn't shown on the list. There has clearly been an error with the equipment used as I checked and double checked for the confirmation of checkin. I always do just to be sure. I also have a 300DKK auto top-up applied so will always have money on the Rejsekort to use. I alway checked in and out on the way to the airport a week earlier so its not as though I have some weird incomplete journey. To summarise; 1) I have money on the Rejsekort with auto top up applied. 2) I checked in and it was confirmed with a sound, green light and the message 'god rejsen' (please tell me if I am wrong to use this as confirmation of a check in) 3) I have a good history of journeys and check into the airport a week earlier 4) I was told misleading information by the inspector the ticket was a formality and it would be cancelled With the above in mind, I would like to have it considered that the fine is removed. It doesn't make sense , and it really isn't fair, for me to pay such a big fine for something that has gone wrong with the equipment supplied by the metro service or for a simple and basic 'glitch' in the system. I hope this can be considered and I have provided enough information. If not please let me know ill be happy to provide further details and also forward my communication with the Metro Service Team."

Indklagede anfører følgende:

" On March 7th, 2022, at 13:14 the complainant was issued a fare evasion ticket by one of our stewards, as he showed a rejsekort which had not been checked in.

The complainant was ticketed after the metro has left Femøren station and according to the complainant his end station was Nørreport station.

The metro operates – like all other public transport – with a self-service system, where it is the passenger's own responsibility, before boarding, to provide a valid ticket or card, which can be presented when asked for by one of our stewards.

Below is extraction of the complainants rejsekort history.

The history shows that there is no lack in the card sequence number (kortsekv.nr.) and the last transaction, before the ticketing, was a check out February 27th, 2022, at 10:22:45 at Københavns Lufthavn.

Reg. udstyr dato/kl.	Modtaget. system dato/kl.	Regnskabsperiode	Handling	Transakt.type	Kortnr.	Kortsekv.nr.	Rejseseqv.nr.	Lokation	Udstyr / -nr.	Produkttype	Saldo	
27-02-2022 09:57:51	27-02-2022 10:04:40	01-02-2022	Check ind	Check ind	308	116	57	24	Nordhavn St.	VAL_23905 - 13F32E	EasyTrip	171,80
27-02-2022 10:22:45	27-02-2022 10:35:43	01-02-2022	Check ud	Check ud	308	116	58	24	Københavns Lufthavn	VAL_23705 - 138A1D	EasyTrip	178,40
07-03-2022 07:21:44	07-03-2022 07:38:22	01-03-2022	Kontrolmærke	Kontrol	308	116	58	Femøren St.	MARK_49470 - 09B21C			0,00
07-03-2022 07:21:51	07-03-2022 07:38:22	01-03-2022	Kontrolmærke	Kontrol	308	116	58	Femøren St.	MARK_49470 - 09B21C			0,00
07-03-2022 07:22:25	07-03-2022 07:38:22	01-03-2022	Kontrolmærke	Kontrol	308	116	58	Femøren St.	MARK_49470 - 09B21C			0,00
07-03-2022 07:36:59	07-03-2022 08:01:38	01-03-2022	Check ind	Check ind	308	116	59	25	Nørreport St.	VAL_25748 - 13CABB	EasyTrip	153,40
07-03-2022 07:43:01	07-03-2022 08:01:44	01-03-2022	Check ud	Check ud	308	116	60	25	Nordhavn St.	VAL_23906 - 13D185	EasyTrip	161,90
08-03-2022 08:08:10	08-03-2022 08:23:36	01-03-2022	Check ind	Check ind	308	116	61	26	Nordhavn St.	VAL_23909 - 13CC5F	EasyTrip	136,90
08-03-2022 08:24:22	08-03-2022 08:53:19	01-03-2022	Check ud	Check ud	308	116	62	26	DR Byen St.	VAL_21323 - 13CF92	EasyTrip	143,90
08-03-2022 18:15:08	08-03-2022 18:33:18	01-03-2022	Check ind	Check ind	308	116	63	27	DR Byen St.	VAL_21315 - 1392D9	EasyTrip	118,90

As the complainant has not responded to the question in our answer of March 10th, 2022, we do not know, which card reader / validator he refers to have used.

According to the Joint Nation Travel Regulation it is stated under **Purchase of travel document, Use of Rejsekort and Inspection fee:**

2.4. Purchase of travel document

Public transport in Denmark is an open system with widespread self-service, and it is therefore always the customer's responsibility to have a valid travel document upon boarding, including by ensuring that the Rejsekort has been checked in correctly. On receipt of a travel document, the customer must make sure that the single ticket is in accordance with requirements.

2.4.2. In particular concerning use of mobile products (delivered via text message or app)

It is the customer's responsibility to ensure that the travel document has been received on the mobile device before boarding. It is not sufficient that the order has commenced.

2.7.1. Inspection of travel documents

Customers who do not, when requested, present valid travel documents, including having checked in correctly on Rejsekort for their travel, must pay an inspection fee. This also applies if the customer has purchased a travel document via a mobile device that cannot be inspected, for example if it has run out of power or been broken.

We have checked the history for all the check in card readers at the Lufthavnen station on March 7th, 2022, between 7 am and 8 am, and the histories show, that all check in card readers were functional.

The complainant writes that the steward should have said that the issuing of the fare evasion ticket was just a formality and that this would be cancelled when appealing.

We have presented the complainants comments to the steward who cannot recognize the statement. He informs us that he knows 100% that he had not said as quoted by the complainant – he never comments on whether or not a fare evasion ticket will be annulled if appealed.

Our stewards are instructed to inform the customer that she or he can contact Customer Service in case the customer finds the fare evasion ticket issued incorrectly.

A steward must not relate to, if the customer means to have an excuse for not being in possession of a valid ticket. The steward must only relate to whether or not a valid ticket can be presented upon inspection – in case a valid ticket or card cannot be presented the steward must issue a fare evasion ticket.

The fact that the steward went off the train might be for one or two reasons – either that he got another task over the radio or that he was out of his area and therefore had to go back.

We are sorry to say, but it is not possible that the complainant could have heard the “OK sound” coming from the card reader he used, have seen the message “God rejse” or have made a double check in and got confirmation, that the card had already been checked in.

We have noticed that the steward has comment on the electronic fare evasion ticket *“fortalte at han forsøgte at CH in I CPH uden held.”*

In cases where, for some reason, a customer cannot check hers or his rejsekort in at the card reader, a ticket must be purchased either via the phone (DOT app, DSB app or 1415) or at the ticket vending machine at the station.

Based on the above we must maintain that the fare evasion ticket was correctly issued and following correctly maintained, as the complainant could not present a valid ticket when asked for by the inspector and on this ground, we maintain our claim of DKK 750.

In case the Appeal Board would like to see the transaction for each check in card reader placed at Lufthavnen station for example between 7 am and 8 am we will of course provide them.

We have earlier offered the complainant to check the card reader he had used for further inspection or history, but the complainant has not returned with information as to which card reader he used.”

Hertil har klageren bemærket:

“I am really not sure how to proceed as the email you have sent me from the Metro Company states that;

1. The ticket inspector doesn't recall saying the ticket is a formality and can be cancelled if I contact customer service (very convenient that suddenly this isn't the case)
2. I haven't replied to the Metro company on a previous email however I do not have that email from them that they refer to. Perhaps you could chase them on this email as I have nothing in my inbox at all...in fact I emailed them back again with some evidence (see below) and they haven't replied to me.
3. According to them, it isn't possible for me to have heard the 'Ok Sound' or seen the green light confirmation or seen the message 'God Rejse' on the machine. I told them I did straight away in my original and very first email and have since sent via email a photo confirming this (I happened to send one to my girlfriend to show her I had returned home to Denmark) to which they haven't replied. So I literally have evidence and they ignored it!

4. They also stated it is my responsibility to ensure the ticket is valid (it was valid, had enough money on there, has an automatic top up enabled for 300dkk so will always have enough money and be valid and was correctly checked in for every other journey taken before and after that fine was issued including check-ins in and out on my way to the airport a week before and also from Nørreport to Nørdrhavn after the fine was issues too on the S-Train...the inspector told me to stay on the Metro so I didnt have to pay a fair on the S-Train as the fine would cover me for the rest of a journey but I decided to still pay a fare and take my original journey).

It's highly unfair for them to simply deny every single point above and say this is in no way their fault. This leaves me with absolutely nothing I can do which is deeply upsetting and highly unfair! The company can so easily take advantage of me in this way and that's a really unkind thing to do.

As mentioned, I have emailed the Metro Company myself but they haven't replied. I asked them from that photo evidence whether they could confirm that me seeing the green light, hearing the confirmation sound, and seeing the message 'god rejse' was enough for me to be able to confirm a successful check-in but again they haven't replied so perhaps you could confirm this for me to avoid any further issues in the future? In my opinion and from what I have been told by the Metro company on other occasions is that this is correct and confirms a check-in every time so, therefore, I did everything correctly. Can you confirm?

If I am correct then there is nothing more I can do and I have done everything in my power to ensure a successful check-in leaving this simply to be a technical error which again is well beyond my control.

This is deeply affecting my mental health and I find this incredibly upsetting and unfair. If I had a history of bad check-ins or had another fine previously then I would understand but I have given so much evidence and information across to show I did everything I could therefore there is nothing more I can do, so I hope you understand my intentions were good and allow the fine to be removed on this occasion.

I have nothing else to say to support my case and will await a reply."

Hertil har indklagede bemærket:

"We hereby sent our comments to the complainants' latest statements received from the Appeal Board today.

- 1) We have not previously had cases where customers have referred to the steward having expressed himself in a similar way, which is why we assume that the steward's statement is correct.
- 2) The complainant *has* replied on March 9th, 2022, at 15:24 to the e-mail (see the red box), an e-mail he writes that he has not received – please see the picture below (our comment regarding further investigation is marked with green) – the complainant's part of the e-mail was attached as Bilag 3 in our mail to the Appeal Board on March 22nd, 2022:

Hello again,

Thank you for the reply.

- As mentioned, I checked in, the machine made the correct noise and showed the message 'God rejse' which, as I have always been told, confirms a correct check-in. Can you confirm whether this is correct or whether I should be looking for further information/confirmation of a successful check-in?
- The inspector that issued the fine told me everything would be fine, it happens all the time and I simply need to complete the claim form and that I will get my money back. He continued to use the term 'it's just a formality' giving me the impression that I wouldn't need to pay the fine at all. If the inspector said that it should be honored
- You can see I have the correct funds on my card, I have an automatic top-up applied so will never run out of funds on the card and you can also see I check-in and out on the way to the airport in February as well as all other journeys after the fine too. This surely shows that I use my card correctly every single time and have sufficient funds to travel.

I would like to ask you to reconsider given all of the above points. The machine worked and made the correct noises and messages (tell me if I'm wrong here please), I have the correct funds on my card always and the inspector told me not to worry. What more could I have done in this situation? Have I missed something here? If so please let me know because I truly believe I have done all I can and had no way of knowing the machine didn't check me in correctly...?

Thank you and I look forward to hearing back soon

[Redacted]

From: Metro kundeservice <kundeservice@metroservice.dk>

Sent: 09 March 2022 08:59

To: [Redacted]

Subject: Reply from Metro Customer Services regarding case number: KA-2022-[Redacted]

Dear [Redacted]

Thank you for your inquiry regarding fare evasion ticket [Redacted] issued on 07-03-2022.

You have received a fare evasion ticket in the metro, as your rejsekort had not been checked in when you were subject to a ticket inspection. We have reviewed your case but regrettably cannot find grounds for cancellation of the fare evasion ticket, as we cannot confirm any registration of your check in. I have written an extensive explanation underneath if you are interested to know more.

According to Rejsekort's travel regulations, the rejsekort must be correctly checked in before travelling commences, and as your rejsekort was not checked in, the fare evasion ticket was issued correctly. We have been in contact with Rejsekort A/S, and were given the following information about your registered travels:

Date/Time	Reception date	Accounting period	Operation type	Transaction type	Card engraved ID	Card sequence number	Journey sequence number	Location
08/03/2022 08:24:22	08/03/2022 08:53:19	01/03/2022	Check out	Check out	308 [Redacted]	62	26	DR Byen St.
08/03/2022 08:08:10	08/03/2022 08:23:36	01/03/2022	Check in	Check in	308 [Redacted]	61	26	Nordhavn St.
07/03/2022 07:43:01	07/03/2022 08:01:44	01/03/2022	Check out	Check out	308 [Redacted]	60	25	Nordhavn St.
07/03/2022 07:36:59	07/03/2022 08:01:38	01/03/2022	Check in	Check in	308 [Redacted]	59	25	Nørreport St.
07/03/2022 07:22:25	07/03/2022 07:38:22	01/03/2022	Inspection mark	Inspection	308 [Redacted]	58		Femøren St.
07/03/2022 07:21:51	07/03/2022 07:38:22	01/03/2022	Inspection mark	Inspection	308 [Redacted]	58		Femøren St.
07/03/2022 07:21:44	07/03/2022 07:38:22	01/03/2022	Inspection mark	Inspection	308 [Redacted]	58		Femøren St.
27/02/2022 10:22:45	27/02/2022 10:35:43	01/02/2022	Check out	Check out	308 [Redacted]	58	24	Københavns Lufthavn
27/02/2022 09:57:51	27/02/2022 10:04:40	01/02/2022	Check in	Check in	308 [Redacted]	57	24	Nordhavn St.

The last registered action is a check out made at the Copenhagen airport on 27 February 2022 at 10:22AM.

I have marked the card sequence numbers as well, as these are consecutive, showing no indication that any error has happened on the registrations on your rejsekort. If there had been an error on your rejsekort where your check in had not been correctly cached in the travel history, the numbers in this row would not have been in chronological order.

Furthermore, Rejsekort A/S has informed us that there have been no larger system disruptions on Copenhagen Airport station on 07-03-2022 between 07:00-08:00AM, as there have been more than 300 successful check ins registered

From what we can gather with the information available to us at this moment, we cannot confirm that there has been an error on your card or the rejsekort system.

If you inform me of the exact validator you used for your check in, I can order a report from a third party and see if there were any errors on that specific validator. I will need you to respond to this e-mail with a detailed description of where the validator is placed on the station, as well as a timestamp for your check in, as accurate as possible. I ask you to please respond with the needed information within 10 days, or I will not be able to investigate further.

Until we can confirm that you did in fact have a valid card or ticket at the time of inspection, we must maintain your fare evasion ticket. I have attached a new payment form with the correct date of issue that you can use.

You can pay online [here](#). All major credit cards are accepted. Please type in the number of the fare evasion ticket, which is and press **Continue**.

If you want to pay by bank transfer, we have attached a **new payment form**, where you will find information on IBAN, SWIFT and final payment date. Our bank is Nordea Bank, Vesterbrogade 8, 0900 Copenhagen C., Denmark. Please remember to write the number of the fare evasion ticket in "message to recipient".

Further complaints can be directed to The Appeal Board for Bus, Train and Metro at www.abtm.dk. Information, protocols and previous rulings can also be found on the website.

If we have not had written confirmation of a further complaint from The Appeal Board within two weeks from today, or received payment from you, our normal reminder procedure will begin.

Wishing you a pleasant day.

— Fjern venligst ikke denne sektion, da den indeholder nødvendige oplysninger forbeholdt Metro Kundeservice — Please do not remove this section, as it contains information necessary for Metro Customer Service —
- \$UID\$359\$UID\$ \$PTO\$2\$PTO\$ \$CID\$760685\$CID\$

Med venlig hilsen/Best regards

Kundeservice/Customer Service

Metro Service

T: + 45 70151615

Følg os på Twitter [@MetroenKBH](https://twitter.com/MetroenKBH)

Disclaimer: This message (including any attachments) contains confidential information for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message and are hereby notified that any disclosure, copying, or distribution of this message, or taking of any action based on it, is strictly prohibited.



Please consider the environment before printing this e-mail. Thank you.

- 3) The Rejsekort system is designed to make a mark on the rejsekort when a rejsekort is put up in front of the blue point and as the card is registered the “OK-sound” can be heard and the text “God rejse” is shown in the display. It is not possible to hear the sound and see the text unless a mark is also registered on the card and can be seen from the card’s history afterwards. The picture the complainant sent as proof on March 10th, 2022, at 16:35 of a correct check in cannot have been the one from the time in question at the Airport, in that case the transaction would appear on the card history – this picture of the correct check in might as well have been the one he made at DR Byen station the same day at 16:28:18. This would also explain the lawn that can be seen down on the ground level – there is no lawn on ground level at the Airport station.

10-03-2022 16:28:18	10-03-2022 16:33:51	01-03-2022	Check ind	Check ind	308 <input type="text"/> 1 6	71	31	DR Byen St.
------------------------	---------------------	------------	-----------	-----------	------------------------------	----	----	-------------

- 4) As the complainant could not present a valid card the fare evasion ticket was correctly issued even if he subsequently may have purchased a ticket or made a check in with his rejsekort

The complainant refer to have asked us to look at the video surveillance for the purpose of documenting that he had made a correct and successful check in. The video surveillance is not used in case handling of fines, as the purpose of the video surveillance primarily is for railway safety and crime prevention.

As mentioned earlier all check in card readers at the Airport metro station was full function between 7 am and 8 am and there were not reported any errors to the technical department.

We must again refer to the steward's remark on the fare evasion ticket, where the customer at the time of ticketing told the steward that he tried to check in at the airport without success. The complainant must thus have been aware that the travel card had not been checked in correctly, which is why he could have acquired a valid ticket in another way. It is clearly stated at all metro stations that boarding without a valid ticket will lead to a fine of DKK 750.

Based on the above we still maintain the fare evasion ticket and our claim of DKK 750.

Finally, we must refer to similar cases where customers have presented a rejsekort which has not been checked correctly in and where the decisions have been made in favor of the defendant company.”

På ankenævnets vegne



Tine Vuust
Nævnensformand