

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer: 24-0359

Klageren: XX
2200 Kbh. N

Indklagede: Movia
CVR-nummer: 29 89 65 69

Klagen vedrører: Kontrolafgift på 1.000 kr. for manglende check ind på Rejsekort grundet for lav saldo

Parternes krav: Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at han kom direkte fra skadestuen efter at være blevet kørt ned på cykel, og var i chok og på smertestillende medicin. Han er sikker på, at check ind-standeren var "grøn", da han checkede ind

Indklagede fastholder kontrolafgiften

Ankenævnets sammensætning: Nævnensformand, dommer Lone Bach Nielsen
Nikola Kiørboe
Dorthe Thorup
Helle Berg Johansen
Dorte Lundqvist Bang

Ankenævnet for Bus, Tog og Metro har på sit møde den 18. juni 2025 truffet følgende

AFGØRELSE:

Movia er berettiget til at opretholde kravet om klagerens betaling af kontrolafgiften på 1.000 kr.

Klageren skal betale beløbet til Movia, 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 forsikringsselskab om eventuel forsikringsretshjælp.

SAGENS OMSTÆNDIGHEDER:

Klageren rejste den 6. juni 2024 med buslinje 5C fra Nørreport st. mod Nørrebro. Dagen før havde han benyttet sit Rejsekort, som ved check ud kl. 22:28 havde nået en saldo på 11,85 kr. Når Rejsekorts saldo bliver for lav til check ind, vil standen give en advarselslyd og tekst om at tanke op, som eksemplet her:



Ifølge klageren var han om morgenen den 6. juni 2024 blevet kørt ned på cykel, og havde været på skadestuen, hvorfor han både var chokeret og under indflydelse af smertestillende piller, da han skulle med bussen. Han er dog sikker på, at maskinen checkede hans Rejsekort ind og "lyste grønt".

Bussen forlod stoppestedet, Nørreport st., kl. 10:16:42.

GPS:

28	Nørreport St. (50461)	●	●	10:13	10:13	10:15:59	10:16:42
29	Nørre Farimagsgade (2157)	●	●	10:14	10:14	10:18:28	10:18:47
30	Ravnsborggade (1956)	●	●	10:16	10:16	10:20:59	10:20:59
31	Elmegade (45739)	●	●	10:17	10:17	10:22:43	10:22:43
32	Kapelvej (1957)	●	●	10:19	10:19	10:23:57	10:23:57
33	Sjællandsgade (1958)	●	●	10:20	10:20	10:24:31	10:24:50
34	Nørrebros Runddel St. (2159)	●	●	10:21	10:21	10:25:34	10:26:11

Ved stoppestedet, Elmegade, steg der kontrollører ombord, hvilket de loggede kl. 10:22:14. Efter at have sat kontrolmærker på klagerens Rejsekort, konstaterede kontrolløren, at kortet ikke var checket ind, og at saldoen kun var på 11,85 kr.:

+	205	05-06-2024 22:28	Christianshavn St.	22:36	Lergravsparken St.	-17,80	11,85
		06-06-2024 10:22	Kontrolmærke		Linje : 5C Elmegade/Nørrebrogade		11,85
		06-06-2024 10:22	Kontrolmærke		Linje : 5C Elmegade/Nørrebrogade		11,85
		06-06-2024 10:22	Kontrolmærke		Linje : 5C Elmegade/Nørrebrogade		11,85

Klageren anmodede efterfølgende Movia om at annullere kontrolafgiften og vedhæftede et dokument fra hospitalet. Han oplyste, at det var 2. gang, han var blevet pålagt en kontrolafgift under lignende omstændigheder, at kontrolløren havde opført sig uforskammet og havde udspurgt ham om, hvilken dag det var, for at pointere, at kortet var blevet checket ud aftenen forinden:

“On the morning in question, I was returning from the hospital after being involved in a bicycle accident. Due to the circumstances, I was in considerable pain and had taken multiple medicines, which may have affected my clarity of thought. Given this, I did not initially plan to use public transportation and, therefore, did not check the balance on my Rejsekort. However, I thought that the check-in was green when I boarded the bus. When approached by the bus controller, I was treated in an extremely discourteous manner, which added to the distress of the situation. He started almost to mock me, asking me 3 or 4 times for the date to point out that my last check-in was the night before. Despite my explanation and the visible balance of 18 DKK on my Rejsekort, I was issued a fine. This is the second fine I have received from Movia under similarly circumstances, and I find the treatment received by the controller both unfair and unacceptable. I kindly request your understanding and ask that you reconsider the fine imposed. Attached, you will find the hospital document confirming my treatment on that day. “

Movia fastholdt kontrolafgiften og begrundede det med, at Rejsekortet ikke var checket ind, samt at 18 kr. ikke er tilstrækkelig saldo til check ind, da der kræves 25 kr. på et Rejsekort Personligt/Flex og 70 kr. på et Rejsekort Anonymt.

Herefter indbragte klageren sagen for ankenævnet, hvor Movia har oplyst, at de kan se på loggen fra standen, at klageren forsøgte at checke ind kl. 10:16:09, hvor displayet har givet besked på engelsk om for lav check ind sammen med advarselslyden.

10:16:09:000	VAL	135c1c	3	91 Ticket processing operation error	Transaction Type: TPL_E_MF_VALIDATION	Card number : 30843
10:16:09:000	VAL	135c1c	3	101 Screen displayed	Name : SCR_CHECKIN_INSUFFICIENT_REMAINING_STORED_VALUE	Text : BALANCE TO

Klageren forsøgte ikke at købe en mobilbillet på anden vis.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Ankenævnet har fra modtaget rejsekorthistorikken og standen log vedrørende klagerens forsøg på check ind. Oplysningerne dokumenterer, at der ikke var checket ind på kortet, og at saldoen kun var 11,85 kr., hvilket er for lidt.

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. Ved check ud den foregående aften fik klageren besked om at tanke op, da saldoen var lav. Dette undlod han, inden han benyttede kortet den efterfølgende dag. Der er rejsekortautomater på Nørreport st., hvor man kan tanke sit Rejsekort op.

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

Kontrolafgiften for manglende check ind blev derfor pålagt med rette.

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 et Rejsekort, uanset at dette ikke er registreret på kortet eller i back office.

Ankenævnet har ikke fundet grundlag for at kritisere den måde, som kontrollen foregik på, hvor kontrolløren henledte klagerens opmærksomhed på, at saldoen aftenen forinden var kommet under minimumssaldoen.

Forbrugerrådets repræsentanter udtaler kritik af størrelsen af kontrolafgiften:

"Forbrugerrepræsentanterne finder, at kontrolafgifter over 750 kr. ikke står rimeligt i forhold til forseelsens omfang. Mange brugere af den kollektive transport pålægges kontrolafgifter, selvom de har forsøgt at betale korrekt, men har begået mindre fejl i et selvbetjeningssystem, der bliver mere og mere komplekst. Det er desuden bekymrende, at trafikselskaberne – som monopolliggende virksomheder – selv fastsætter kontrolafgifternes størrelse. Dette giver selskaberne mulighed for at indføre kontrolafgifter, som ville være forretningsskadelige, hvis der var reel konkurrence på markedet. Forbrugerrepræsentanterne indgiver derfor en mindretalsudtalelse vedrørende kontrolafgiftens størrelse. Dette ændrer ikke sagens udfald, men kontrolafgiften bør nedskrives til 750 kr."

RETSGRUNDLAG:

Af § 29 i lov om trafikselskaber fremgår trafikselskabernes adgang til at opkræve kontrolafgift og ekspeditionsgebyr for passagerer, der ikke foreviser gyldig rejsehjemmel (billetter og kort).

I de Fælles landsdækkende rejseregler, som trafikvirksomhederne har vedtaget, præciseres hjemmelen til at udstede 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 1.000 kr. for voksne.

Som passager uden gyldig rejsehjemmel betragtes også passager, der benytter kort med begrænset tidsgyldighed (f.eks. pensionistkort) uden for kortets gyldighedstid, eller hvis andre rejsebegrensninger ikke overholdes (f.eks. for hvornår cykler må medtages, eller om der er betalt metro-tillæg). 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.

PARTERNES ARGUMENTER OVER FOR ANKENÆVNET:

Klageren anfører følgende:

" . I am writing to express my concern about an incident on 6/6/24 involving a ticket inspector on a Movia bus.

That morning, I had an accident with my bike and needed to go to the hospital. On my way back - I was not planning to use public transportation for the next few days - I did not check the balance on my rejsekort.

However, I am certain that the check-in light was green when I boarded. Please note that I was still in shock from the accident and was on painkillers.

I don't know if you've ever tried to take public transportation after a visit to the ER, while in pain, in an unfamiliar city, and alone. It's not the best experience.

The bus controller was extremely rude and treated me like a criminal. He repeatedly asked me what day it was, to point out that my last check-out was the night before, implying that I was not checked in. He refused to listen to my explanation. This treatment is unacceptable. He could clearly see that my account had around 15 DKK, and I am confident I checked in.

I cannot afford to pay another fine, especially as this is the second one I have received from Movia for similar reasons and similar treatment from the controllers. I hope you can understand my situation and reconsider the fine."

Indklagede anfører følgende:

" Movia maintains that the inspection fee is rightly imposed, and we do so on the grounds that [klageren] did not present a valid check in on the ticket inspectors' inquiry in the bus.

[klageren]'s case relates to the fact that he made a journey, even though he received a message on the card reader regarding low balance on his Rejsekort. However, he chose to stay in the bus without purchasing another ticket or without seeking guidance from the driver knowing that he did not have any ticket to present. Therefore, he had to receive a fee when the inspector boarded later the journey.

Cf. §.2.4.3 in the Joint National Travel Regulations a Rejsekort must be checked in immediately before the start of the journey, if it is to be considered as a valid travel document. If the card is not checked in, the customer has not paid for the journey and must accept a fine. As a user of Rejsekort it is expected that the customer himself often checks the balance to avoid situations like the one in question.

The Danish Transport System is based solely on self-service, and therefore it is always the customer's own responsibility to ensure that a valid travel document can be presented during the whole journey. Travel documents imply among others check ins with physical cards, mobile tickets, cash tickets or digital check in apps. If the message low balance is shown during a check in attempt in the bus, the customer is forced to acquire another ticket. If another ticket is not purchased, the customer is in the risk of receiving an inspection fee.

The National Joint Travel Regulations:

2.2. Customer categories

It is the customer's responsibility to have a valid travel document issued for the correct customer category.

2.3. Purchase of travel documents

To be able to travel by train, bus and Metro, the customer must be in possession of a valid travel document.

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.

2.4.3. Use of Rejsekort

Rejsekort, issued by Rejsekort Rejseplanen A/S, can be used as a travel document. A Rejsekort must be checked in before the start of the journey. For all means of transport for which check in takes place inside the means of transport, the customer must check in immediately after boarding, without any unnecessary delay, and before taking a seat.

If the customer does not adhere to the aforementioned check in rules, the customer will be deemed to be without a valid single ticket, which incurs an inspection fee.

2.6. Inspection of travel documents

If a valid travel document cannot be presented on request during inspection, it will not be possible to have to get a reduction or cancellation of an inspection fee by subsequent presentation of travel documents.

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.

The inspection fee

The inspector boards the bus 5C at Elmegade in the direction against Herlev Hospital at 10:22:14. When he scans [klageren]'s Rejsekort, he notices that the balance is too low, and for that reason it cannot constitute a valid travel document.

According to complainant himself, he boarded the bus at Nørreport St., which was 3 stops and 6 minutes earlier.

From the complaint of [klageren]

Buslinje: 5c

Hvor steg du på bussen?: norreport

Due too low balance, [klageren] receives an inspection fee at 10:23:17 for the reason "Rejsekort mangler check ind" – "Rejsekort lacking C/I".

Stop	Elmegade
Påstigning	06-06-2024 10:22:14
Udstedt dato/tid	06-06-2024 10:23:17
Stået af	06-06-2024 10:25:42

Årsag	Rejsekort mgl. check ind
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Tour overview with comments

#	Stoppested	Stopindikator	Pl. ank.	Pl. afg.	Obs. ank.	Obs. afg.
28	Nørreport St. (50461)	● ●	10:13	10:13	10:15:59	10:16:42
29	Nørre Farimagsgade (2157)	● ●	10:14	10:14	10:18:28	10:18:47
30	Ravnsborggade (1956)	● ●	10:16	10:16	10:20:59	10:20:59
31	Elmegade (45739)	● ●	10:17	10:17	10:22:43	10:22:43
32	Kapelvej (1957)	● ●	10:19	10:19	10:23:57	10:23:57
33	Sjællandsgade (1958)	● ●	10:20	10:20	10:24:31	10:24:50
34	Nørrebros Runddel St. (2159)	● ●	10:21	10:21	10:25:34	10:26:11

On the tour overview of the bus, we see that the bus stops at Nørreport St. between at 10:15:59 and 10:16:42. As the arrival and departure times are identical at Elmegade, while the registration time of the inspector is so long before the alleged arrival of the bus at 10:22:43, we sent the case for consultation with a data specialist in our company.

He answered us:

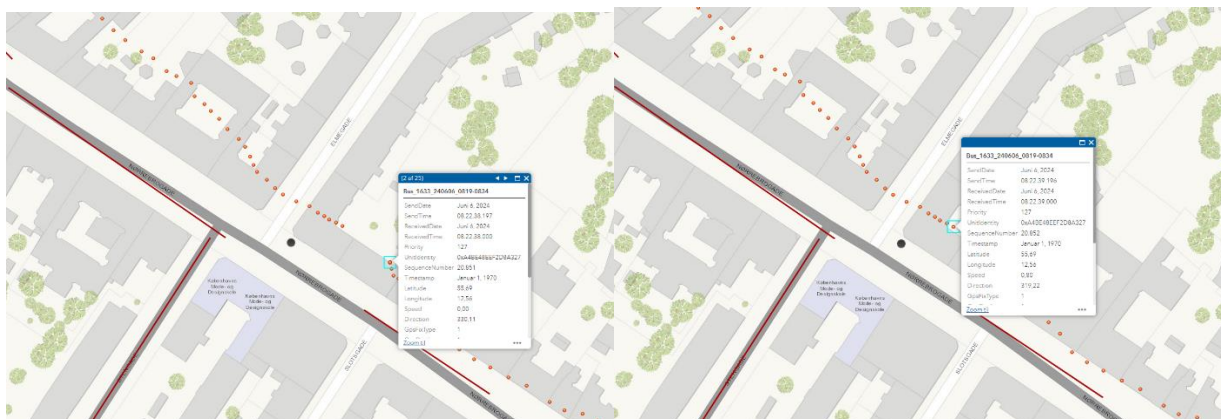
*"Hermed positionsdata for bus 1633, d. 6/6-24 fra tidsrummet ca. 10:19 - 10:34. (Vedhæftet)
Bemærk tidsstempler i positionsdata er UTC - dvs. 2 timer forskudt fra lokaltid d. 6/6-24.*

*Desværre er positionsinformationerne fra bus 1633 MEGET upræcise.
Der er derfor en vis usikkerhed ift. den faktiske position, hvor bussen har gjort ophold.*

*Det er dog ganske sikkert at bussen har holdt stille fra 10:22:15 til 10:22:38 jf. skærmdump nedenfor.
Iflg. positionsinformationerne fra bussen er det ca. 30m inden stoppestedet.
Positionen, hvor bussen igen sætter i bevægelse, er ca. 15m fra stoppestedspositionen.*

*De fire skærmdumps nedenfor viser positioner omkring Elmegade.
Det første er uden detaljevindue, de tre næste er med detaljevindue for position før, under og efter ophold."*





Based on the response and data, we learn that the bus at Elmegade has stopped some distance from its normal stop, and that it is quite certain that the bus has stopped at Elmegade at least from 10:22:15. Therefore, we believe that the boarding time of the inspector at 10:22:14 is to be considered as correct. Regarding the data, please note that the times are given in UTC, which is 2 hours before the Danish time registration.

Comments and decision

Based on the history of complainant, Movia learns that the balance fell below the minimum of DKK 25 the day before the issuance of the fee. Data shows that the balance was only on DKK 11,85 when the inspector scanned his card on the 06.06.2024.

[klageren]'s Rejsekort

+	205	05-06-2024 22:28	Christianshavn St.	22:36	Lergravsparken St.	-17,80	11,85
		06-06-2024 10:22	Kontrolmærke		Linje : 5C Elmegade/Nørrebrogade		11,85
		06-06-2024 10:22	Kontrolmærke		Linje : 5C Elmegade/Nørrebrogade		11,85
		06-06-2024 10:22	Kontrolmærke		Linje : 5C Elmegade/Nørrebrogade		11,85

The bus was equipped with 5 C/I card readers, where [klageren] made one C/i attempt on card reader 135c1c at 10:16:09, while the bus was stopping at Nørreport. On the other card readers, we see the activity of check ins as well.

Vehicle 1633 @ 2024-06-06 10:13:00



		DC	0 (CU)	1 (CI)	2 (CU)	3 (CI)	4 (CU)	5 (CI)	6 (CU)	7 (CI)	8 (CU)	9 (CI)
Stop	Tid	112261	132205	135c05	1330dd	135c1c	1359b8	132218	13f645	13f919	135c63	135b69

Card reader: 135c1c

F 10:15:01:000 VAL	135c1c	3	78 UD files upload successful	UD files upload successful	
F 10:16:09:000 VAL	135c1c	3	96 Ticket processing operation error	Transaction Type: TPL_E_MF_VALIDATION	Card number : 30843
F 10:16:09:000 VAL	135c1c	3	101 Screen displayed	Name : SCR_CHECKIN_INSUFFICIENT_REMAINING_STORED_VALUE	Text : BALANCE TO
F 10:16:13:000 VAL	135c1c	3	101 Screen displayed	Name : SCR_PLEASE_PRESENT_ENTRY_ON_READER_1_UNPAID	Text : CHECK IN TO
F 10:22:21:000 VAL	135c1c	3	87 Successful ticketing transaction	Transaction Type: F_TR_USAGE_CSC_FARE_PRODUCT_CHECK_IN	Card number : 30843



Card reader: 135c05

186	#####	10:15:00:000	VAL	135c05	3	78	UD files upload successfull	UD files upload successfull		
187	#####	10:16:05:000	VAL	135c05	3	87	Successfull ticketing transaction	Transaction Type: E_TR_USAGE_CSC_FARE_PRODUCT_CHECK_IN	Card number : 308430	
188	#####	10:16:05:000	VAL	135c05	2	104	Transaction time	TTIM31: 98		
189	#####	10:16:05:000	VAL	135c05	3	101	Screen displayed	Name: SCR_VALID_CHECKIN_ON_ANONYMOUS_PRODUCT	Text: EXPIRES	
190	#####	10:16:07:000	VAL	135c05	3	101	Screen displayed	Name: SCR_PLEASE_PRESENT_ENTRY_ON_READER_1_UNPAID	Text: CHECK IND	
191	#####	10:16:09:000	VAL	135c05	3	87	Successfull ticketing transaction	Transaction Type: E_TR_USAGE_CSC_FARE_PRODUCT_CHECK_IN	Card number : 308430	
192	#####	10:16:09:000	VAL	135c05	2	104	Transaction time	TTIM01: 78		
193	#####	10:16:09:000	VAL	135c05	3	101	Screen displayed	Name: SCR_VALID_CHECKIN_ON_STORED_VALUE	Text: GOD REJSE	
194	#####	10:16:11:000	VAL	135c05	3	101	Screen displayed	Name: SCR_PLEASE_PRESENT_ENTRY_ON_READER_1_UNPAID	Text: CHECK IND	
195	#####	10:18:35:000	VAL	135c05	3	87	Successfull ticketing transaction	Transaction Type: E_TR_USAGE_CSC_FARE_PRODUCT_CHECK_IN	Card number : 308430	

Card reader: 132218

245	#####	10:15:00:000	VAL	132218	3	78	UD files upload successfull	UD files upload successfull		
246	#####	10:16:06:000	VAL	132218	3	87	Successfull ticketing transaction	Transaction Type: E_TR_USAGE_CSC_FARE_PRODUCT_CHECK_IN	Card number : 308430	
247	#####	10:16:06:000	VAL	132218	2	104	Transaction time	TTIM31: 74		
248	#####	10:16:06:000	VAL	132218	3	101	Screen displayed	Name: SCR_VALID_CHECKIN_ON_ANONYMOUS_PRODUCT	Text: UDLØBER	
249	#####	10:16:08:000	VAL	132218	3	101	Screen displayed	Name: SCR_PLEASE_PRESENT_ENTRY_ON_READER_1_UNPAID	Text: CHECK IND	
250	#####	10:22:23:000	VAL	132218	3	87	Successfull ticketing transaction	Transaction Type: E_TR_USAGE_CSC_FARE_PRODUCT_CHECK_IN	Card number : 308430	

Card reader: 13f919

183	06-06-2024	10:00:03:000	VAL	13f919	3	78	UD files upload successfull	UD files upload successfull		
184	06-06-2024	10:16:28:000	VAL	13f919	3	87	Successfull ticketing transaction	Transaction Type: E_TR_USAGE_CSC_FARE_PRODUCT_CHECK_IN	Card number : 308430	
185	06-06-2024	10:16:28:000	VAL	13f919	2	104	Transaction time	TTIM01: 73		
186	06-06-2024	10:16:28:000	VAL	13f919	3	101	Screen displayed	Name: SCR_VALID_CHECKIN_ON_STORED_VALUE	Text: OK	
187	06-06-2024	10:16:30:000	VAL	13f919	3	101	Screen displayed	Name: SCR_PLEASE_PRESENT_ENTRY_ON_READER_1_UNPAID	Text: Check ind	
188	06-06-2024	10:18:34:000	VAL	13f919	3	87	Successfull ticketing transaction	Transaction Type: E_TR_USAGE_CSC_FARE_PRODUCT_CHECK_IN	Card number : 308430	

Card reader: 135b69

105	#####	10:00:01:000	VAL	135b69	3	78	UD files upload successfull	UD files upload successfull		
106	#####	10:20:27:000	VAL	135b69	3	87	Successfull ticketing transaction	Transaction Type: E_TR_USAGE_CSC_FARE_PRODUCT_CHECK_IN	Card number : 308430	

Movia emphasize that the check in attempt of [klageren] was made at 10:16:09, but when the inspector boarded at 10:22:14 approximately 6 minutes and 3 stops later, [klageren] had still no ticket.

Like other traffic companies, it is expected that the customer strives to buy a ticket in another way if the Rejsekort cannot be checked in due to either technical error, low balance, defectice card reader or other problems. The customer can always ask the driver for guidance or buy a ticket in another way.

Movia refers to the terms and conditions of the Rejsekort in which it is stated that the owner of the card is obliged to continuously check the balance of the card cf. § 1.8.

1.8. Obligations on using a Rejsekort

1.8.1. Rejsekort Personal and Rejsekort Flex

The Rejsekort holder is obliged to carefully and continuously check registered journeys (journey history), fares and the Rejsekort balance by either logging into online self-service at www.rejsekort.dk or a Rejsekort vending machine (concerning the five most recent journeys), or by contacting Rejsekort Customer Services.

At the end of a trip, the card reader will show you what your balance is. We presume on this basis that the complainant was informed the day before and on the same day before travelling, that his balance was too low.

Based on the length of time the complainant was on the bus, we think that he had several options to either purchase a ticket in another way or leave the bus. Among other options [klageren] could have used The Dot app, SMS 1415, or Rejsebillet app.

As he boarded the bus at Nørreport, reloading the Rejsekort was a particularly relevant option, since Nørreport station is filled with several loading machines. Therefore, complainant could easily have reloaded his card at this station.

Remarkable history of purchases

When analyzing [klageren]'s purchases of tickets on the Dot App, we find that he is used to make several orders that he never completes. This means that payments from the unfinished orders have failed to appear.

From the 25th of April until the 15th of September [klageren] has made 23 orders in the app, where 16 were never completed.

Kundeinformation	Status	Handling	Locat/Zone	Link	Udgift	Transaktion
KUNDEID: 936675366	● Gennemført	Billet oprettet	Eventbillet Stor (01-99)	Se detaljer	Kunden	15 Sep 2024 - 12:27:08
TELEFONNUMMER: +45 50313680	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	14 Sep 2024 - 18:04:26
E-MAIL: IKKE OPLYST	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	14 Sep 2024 - 18:02:35
FORNAVN: IKKE OPLYST	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	10 Sep 2024 - 22:22:24
EFTERNAVN: IKKE OPLYST	● Gennemført	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	05 Sep 2024 - 16:30:41
FØDSELSDATO: IKKE OPLYST	● Gennemført	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	28 Aug 2024 - 13:17:09
E-MAILKVITTERING: Ja	● Gennemført	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	21 Jul 2024 - 18:07:00
Sprog: Engelsk	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	21 Jul 2024 - 14:13:31
Telefoninformation	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	21 Jul 2024 - 14:05:53
MODEL: iPhone XR	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	13 Jul 2024 - 22:42:58
OS VERSION: iOS 16.1	● Gennemført	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	23 Maj 2024 - 11:06:29
APP VERSION: 5.9.2	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	12 Maj 2024 - 23:55:48
BETA: Inviteret	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	30 Apr 2024 - 22:12:28
Gyldige billetter	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	30 Apr 2024 - 22:12:28
Der er intet aktivt indhold i denne liste.	● Gennemført	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	30 Apr 2024 - 13:16:37
Filter	● Gennemført	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	30 Apr 2024 - 13:16:36
Handlinger	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	30 Apr 2024 - 13:16:32
Valg Alle	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	30 Apr 2024 - 13:16:32
Billet Oprettet	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	30 Apr 2024 - 12:46:58
Pendlerkort Oprettet	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	30 Apr 2024 - 12:46:58
Pendler20 Oprettet	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	26 Apr 2024 - 02:41:15
Refusion	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	26 Apr 2024 - 02:37:13
Annulleret	● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Se detaljer	Kunden	25 Apr 2024 - 15:52:41

Extract from the appeal case

"That morning, I had an incident with my bike and was coming back from the hospital. I was treated like a robber. I wasn't planning to use public transportation, so I didn't check if I had enough money on my rejsekort."

Movia does not take into consideration, whether the lack of a valid ticket is caused by intentional fraud, overlooking/forgetfulness or otherwise. An inspection fee is issued, when a customer cannot present a valid ticket at the ticket inspection.

Movias conclusion

As complainant chose to continue his journey without acquiring a ticket in another way after receiving the low balance notice, knowing that his balance was too low and knowing that he had not checked in, Movia finds that the fee is rightly imposed.

It is an area with a high risk of circumventing the rules on being able to present a valid ticket if it were accepted that you could travel on low balance without receiving a fee, since payment would not appear, and the traffic company would lose income.

In this case, we are particularly concerned with the fact that complainant stayed in the bus for 3 stops and 6 minutes without acquiring a ticket.

When an inspection fee is issued, we have no reason to believe that it is anything but a regrettable mistake, but on the other hand, Movia has no way of assessing whether the missing travel document is due to a mistake, attempt at deliberate cheating, oversight, or other things.

However, in this specific case, Movia refers to complainant's purchase history on the Dot App, where it is clear that 16 out of the last 23 orders were not completed and not paid for.

Movia has not found any special circumstances that could have excused [klageren] from presenting valid ticket during the ticket inspection and therefore we maintain the inspection fee."

Hertil har klageren gjort gældende (med fed skrift), som Movia har besvaret:

1. " What about the fact that I was coming back form the hospital?

Firstly, we cannot basically treat people who have been in hospital differently from people who have not been there. Secondly, we cannot see the connection between the fact that the complainant has been in hospital and that he does not try to get a ticket after he receives the low balance message.

There are many travelers coming directly from hospitals who manage to acquire a valid ticket. In other words, we cannot see the causal connection between coming back from a hospital visit and not acquiring a valid ticket.

2. What about the rudeness of the controller?

Movia is fully aware that receiving an inspection fee is not a pleasant experience. A situation where a fee is issued can easily feel like an attack, as you are basically accused of not having complied with some rules. However, you must always remember that there is never anything personal about it, but that inspectors must issue fees to anyone who travels without a valid ticket.

In [klageren]'s objection, it is simply described that the inspector was "rude". It is neither described how nor whether it had an influence on the situation. Based on the description, Movia saw no reason to do more about this postulate.

However, we would like to apologize if the complainant did not experience the situation as a professional one. We are very committed to providing professional service on the buses, and when we receive criticism, it upsets us. When we receive concrete descriptive criticism from customers, we can often think of informing the inspector or even the team leader.

However, due to a lack of details, we have refrained from doing so in the specific situation.

3. What about the fact that they've seen I tried the check in few minutes earlier, that I had money enough to make the trip?

Movia acknowledges that the complainant tried to check in, but that the card did not have a high enough balance. We also emphasize that there is no documented attempt to acquire a ticket in any other way in the case.

Based on the facts we have in the case, [klageren]s attempted to check in at 10:16:09. 6 minutes later the inspector boarded and there is no indication that [klageren]s has attempted to acquire a ticket by any other means during that time.

Actually, he has not bought any ticket between the 23.05.2024 and 21.07.2024 on the dot app, although there are 3 uncompleted orders in the same period.

● Gennemført	Billet oprettet	Zonebillet (2 zoner)	Kunden	21 Jul 2024 - 18:07:00
● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Kunden	21 Jul 2024 - 14:13:31
● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Kunden	21 Jul 2024 - 14:05:53
● Bestilt	Billet oprettet	Zonebillet (2 zoner)	Kunden	13 Jul 2024 - 22:42:58
● Gennemført	Billet oprettet	Zonebillet (2 zoner)	Kunden	23 Maj 2024 - 11:06:29

[klageren]s is not known on either SMS 1415 or the Rejsebillet app.

4. And then they check DOT app to say that I completed the purchase only 25% of the time.. What kind of excuse is that? What about data privacy and GDPR? And they also blocked my DOT app for THREE years.

Movia occasionally presents customers' histories on either apps or on the Rejsekort in our case presentations.

We can see that [klageren]s was blocked on 23.09.2024 on the dot app, as he had made too many orders that had not been completed. This is considered mobile ticket fraud, as by only ordering and not completing your orders you are evading payment.

Kundehistorik

Status	Handling	Beskrivelse	Link	Udført Af	Tidspunkt
Gennemført	Besked oprettet	Your profile is blocked from purchases	Se detaljer	Kundeservice	23 Sep 2024 - 10:46:02
Gennemført	Kundebløkering tilføjet	Blokeret til 2027/09/23. Årsag: Ikke gennemførte bestillinger. Note: Svindel med zonebilletter. DSB Fraud		Kundeservice	23 Sep 2024 - 10:46:02

It is therefore quite common that you are blocked from making purchases in an app, as the transport company loses money on customers who travel without buying a ticket.”

På ankenævnets vegne



Lone Bach Nielsen
Nævnensformand