

## AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

**Journalnummer:** 2016-0203

**Klageren:** XX  
USA

**Indklagede:** Metroselskabet I/S v/Metro Service A/S  
**CVRnummer:** 21 26 38 34

**Klagen vedrører:** Kontrolafgift på 750 kr. for manglende registrering af check-ind på Rejsekort. Klageren troede, at han havde checket sig selv og sin ven ind.

**Parternes krav:** Klageren ønsker kontrolafgiften annulleret  
Indklagede fastholder denne

**Ankenævnets sammensætning:** Nævnensformand, landsdommer Tine Vuust  
Asta Ostrowski  
Torben Steenberg  
Bjarne Lindberg Bak  
Alice Stærdahl Andersen

Ankenævnet for Bus, Tog og Metro har på sit møde den 2. maj 2017 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, som sender et girokort 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 på [www.domstol.dk](http://www.domstol.dk), [www.advokatsamfundet.dk](http://www.advokatsamfundet.dk) og /eller eget forsikringssselskab om eventuel forsikringsretshjælp.

## SAGENS OMSTÆNDIGHEDER:

Klageren, som er engelsktalende, rejste den 29. august 2016 med metroen fra Forum st. På stationen tankede han sit rejsekort anonymt op med 200 kr., hvorefter han gik over til check-ind standen, hvor han ifølge egne oplysninger foretog et check-ind af sig selv og sin ven.

Efter at metroen havde forladt Forum st., var der kontrol af klagerens rejsehjemmel. Klageren foreviste sit rejsekort anonymt, men da rejsekortet ikke var registreret som checket ind, blev han kl. 07:14 pålagt en kontrolafgift på 750 kr. for manglende rejsehjemmel.

Klageren anmodede den 29. august 2016 og den 5. september 2016 Metro Service om annullering af kontrolafgiften og anført til støtte herfor følgende: ”

Dear Madam or Sir,

I am writing to ask you to reconsider a fine [redacted] received while travelling with a fellow passenger from Forum Station to Lufthavn Station on 29 August.

At 6:58 I tried to check both of us in on my Rejsekort. As my credit was apparently insufficient, I charged another DKK 200 onto my card at 7:01. I then tried to check us in again, and heard a sound which I thought meant the check in was successful.

There was a conductor standing near to me at this moment. He didn't correct me. A train was arriving, so I and my fellow passenger jumped on board, followed by the conductor. As soon as the doors closed, he came to me and checked my Rejsekort. He informed me I was not checked in, and said he would give me a 750 DKK fine. I asked him if he didn't see me try to check in, and I offered to leave the train at the next station to correct my mistake. But he said it's my responsibility to understand whether I am correctly checked in and wrote the fine.

I am sure his position is legally correct, but I felt the fine was harsh considering the conductor had probably seen that I did try to check in, and that the instructions for checking in multiple persons are only in Danish.

If you check the record of my rejsekort [redacted] you will see that I added credit to my card at 7:01am and I was fined at 7:03am. As I do not live in Denmark, I think this demonstrates that I had no intention to travel without paying.

I would be grateful if you would consider cancelling my fine or reducing it to the fare for 2 persons when travelling from Forum to Lufthavn.

”

Metro Service fastholdt den 13. september 2016 kontrolafgiften med henvisning til selvbetejningsprincippet samt at rejsekortets historik viser, at der ikke var foretaget et check ind på Forum st.

Reg. udstyr dato/kl.	Reg. system dato/kl.	Regnskabsperiode	Handling	Transakt.type	Kortnr.	Kortsekv
29-08-2016 07:03:24	29-08-2016 20:32:11	01-08-2016	Kontrolmærke	Kontrol		
29-08-2016 07:01:04	29-08-2016 07:15:09	01-08-2016	Tank-op	Tank-op		
25-08-2016 00:01:28	25-08-2016 00:24:57	01-08-2016	Check ud	Check ud		
24-08-2016 23:47:21	25-08-2016 00:21:51	01-08-2016	Check ind	Check ind		
24-08-2016 20:27:22	24-08-2016 20:31:59	01-08-2016	Check ud	Check ud		
24-08-2016 20:20:43	24-08-2016 20:32:09	01-08-2016	Check ind	Check ind		
24-08-2016 18:58:37	24-08-2016 19:13:44	01-08-2016	Check ud	Check ud		
24-08-2016 18:48:15	24-08-2016 19:13:03	01-08-2016	Check ind	Check ind		

## ANKENÆVNETS BEGRUNDELSE:

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 har endvidere spurgt, om der foreligger undersøgelser eller oplysninger fra andre, der kan verificere Rejsekort A/S' udsagn om, at det hidtil ikke er forekommet, at rejsekort er checket korrekt ind, uden af dette er noteret på rejsekortet.

Rejsekort A/S har som svar herpå indsendt en 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.

Ankenævnet har foranlediget Rejsekort A/S til at foretage en analyse af systemet og registrering af data. Rejsekort A/S har herefter gennemført en omfattende og grundig analyse af logning af mere end 30 mio. transaktioner. Analysen har vist, at alle transaktioner med rejsekortet, herunder forsøg på check-ind eller check-ud, er registreret i rejsekortsystemet. Der er imidlertid fundet 341 forekomster af såkaldte "duplicate transactions", hvor den pågældende transaktion ved enten check-ind eller check-ud ikke blev gengivet på selve rejsekortet, men hvor transaktionen alene 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 Back Office om denne sags konkrete rejse, som bekræfter oplysningerne på klagerens rejsekort om, at der ikke var checket ind på klagerens rejsekort.

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.

Det fremgår af rejsekort rejseregler, at rejsekort skal checkes ind ved rejsens begyndelse, og at det er passagerens eget ansvar at være checket korrekt ind.

Ankenævnet lægger til grund, at der findes engelsksproget vejledning på standerne til ekstra check-ind. Klageren kan på en rejsekortautomat ændre sproget fra dansk til engelsk, således at teksten på displayet på standen står på engelsk.

Ankenævnet bemærker, at klageren, som tidligere havde rejst på kortet og checket korrekt ind, ikke kan have fået lyden for korrekt check-ind og beskeden "OK" på standen, som han måtte have været vant til, inden han steg på metroen. Det af klageren anførte om, at en metro-steward havde stået på perronen og observeret, at han ikke havde foretaget et korrekt check ind uden at hjælpe eller vejlede ham, kan ikke føre til et andet resultat, idet oplysningen er udokumenteret.

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 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 standen vil vise teksten "Rejsekortet er allerede checket ind".

Ankenævnet bemærker videre, at Rejsekort A/S tidligere har oplyst, at standerne er konstrueret, således, at teksten ved korrekt/afvist check ind altid følges af lyden for korrekt/afvist check 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. Af § 14 stk. 1, fremgår jernbanevirksomhedernes adgang til at opkræve kontrolafgift og ekspeditionsgebyr for passagerer, der ikke foreviser gyldig rejsehjemmel (billetter og kort). Jf. § 14 stk. 4, fastsætter transportministeren nærmere regler om jernbanevirksomhedens adgang til at opkræve kontrolafgift og ekspeditionsgebyr, jf. stk. 1.

I henhold til § 4 i bekendtgørelse nr. 1132 om kontrolafgifter af 08. september 2010, fastsætter jernbanevirksomheden bestemmelser om kontrolafgift i forretningsbetingelserne.

Ifølge de dagældende fælles rejseregler for trafikvirksomhederne i Hovedstadsområdet, hvori hjemmelen til udstedelse af kontrolafgift fremgår. Det anføres således bl.a., at passageren skal have gyldig rejsehjemmel til hele rejsen, og at denne skal kunne vises frem for kontrolpersonalet

under hele rejsen, ved udstigning, i metroen indtil metroens område forlades, og i S-tog og lokalbanetog indtil perronen forlades.

Passagerer, der ikke på forlangende viser gyldig billet eller kort, herunder korrekt ind-checket rejsekort, skal betale en kontrolafgift på 750 kr.

## Fra [www.rejsekort.dk](http://www.rejsekort.dk)

Når du checker ind eller ud, vil du høre én af de tre lyde, der er vist herunder.

Til hver lyd findes forskellige skærmbeskeder, som vil forklare hvad lyden betyder.

▶ **Alt er OK** Hør lyd  [Hvad betyder lyden? ▲](#)

Disse skærmbeskeder vises på kortlæseren, når du hører lyden for

(Check ind)	▶ (Check ind)	(Check ud)
<b>OK</b> Fortsat rejse	<b>OK</b> God rejse	<b>OK</b> Rejse 123,45 kr Saldo 12,34 kr
<a href="#">Vis mere om denne besked</a>	<a href="#">Vis mere om denne besked</a>	<a href="#">Vis mere om denne besked</a>

▶ **Vær opmærksom** Hør lyd  [Hvad betyder lyden? ▲](#)

(Check ind)	▶ (Check ind)	(Check ud)
<b>OK</b> Bemærk lav saldo Tank rejsekort op snarest God rejse	<b>OK - men check ud mangler</b> Ny rejse startet	<b>OK</b> Bemærk lav saldo Tank rejsekort op snarest Rejse 123,45 kr Saldo 12,34 kr
<a href="#">Vis mere om denne besked</a>	<a href="#">Vis mere om denne besked</a>	<a href="#">Vis mere om denne besked</a>

Noget er galt Hør lyd  Hvad betyder lyden? 

<p>(Check ind)</p> <div style="background-color: #0070C0; color: white; padding: 10px; text-align: center;"> <p><b>OK</b></p> <p>Rejsekortet er allerede checket ind</p> </div> <p><a href="#">Vis mere om denne besked</a></p>	<p>(Check ind)</p> <div style="background-color: #0070C0; color: white; padding: 10px; text-align: center;"> <p><b>Ugyldigt rejsekort</b></p> <p>Ring til kundecenter på 70 11 33 33</p> </div> <p><a href="#">Vis mere om denne besked</a></p>	<p>(Check ind)</p> <div style="background-color: #0070C0; color: white; padding: 10px; text-align: center;"> <p><b>Saldo for lav</b></p> <p>Ikke muligt at checke ind. Tank dit rejsekort op</p> </div> <p><a href="#">Vis mere om denne besked</a></p>
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<p>(Check ind)</p> <div style="background-color: #0070C0; color: white; padding: 10px; text-align: center;"> <p><b>Rejsekort på spærreliste</b></p> <p>Ring til kundecenter på 70 11 33 33</p> </div> <p><a href="#">Vis mere om denne besked</a></p>	<p>(check ind)</p> <div style="background-color: #0070C0; color: white; padding: 10px; text-align: center;"> <p><b>Fejl</b></p> <p>For mange kort</p> </div> <p><a href="#">Vis mere om denne besked</a></p>	<p>(Check ind)</p> <div style="background-color: #0070C0; color: white; padding: 10px; text-align: center;"> <p><b>Fejl ved kort</b></p> <p>Prøv igen. Hold rejsekort hen på Det Blå Punkt.</p> </div> <p><a href="#">Vis mere om denne besked</a></p>
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<p>(Check ud)</p> <div style="background-color: #808080; color: white; padding: 10px; text-align: center;"> <p><b>Fejl</b></p> <p>Check ind mangler</p> </div> <p><a href="#">Vis mere om denne besked</a></p>	<p>(Check ud)</p> <div style="background-color: #808080; color: white; padding: 10px; text-align: center;"> <p><b>Fejl</b></p> <p>Maksimal rejsetid overskredet</p> </div> <p><a href="#">Vis mere om denne besked</a></p>
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## PARTERNES ARGUMENTER OVER FOR ANKENÆVNEN:

### Klageren anfører følgende:

"Dear Madam or Sir,

Last month I came to Denmark for 12 days to get married.

On 29 August I wanted to travel from Forum to Lufthavnen station on the metro to fly back home.

At 7:01:04, I charged 200 DKK onto my Rejsekort (). I then went downstairs to the platform and tried to check myself and a fellow passenger in at one of the machines, using the + button to add a passenger. I heard a sound which I thought confirmed successful check in. There was a conductor standing near me and he didn't say anything to me.

A train then arrived and we boarded, followed by the conductor. He immediately checked my rejsekort at 07:03:24, and it turned out my check-in was not successful. I asked him whether he didn't see me trying to check in (he didn't respond - I am almost sure he did) and offered him to leave the train at the next station and correct the mistake. However, he said it was my problem and issued a fine of 750 DKK (Kontrolafgiftsnr. )

I asked Metro Kundeservice to reconsider the fine. Their data confirms that my fine was issued only 2 minutes and 20 seconds after I added money to the card, but they do not agree to change their position.

I was disappointed in the decision of the company. We were two foreigners who clearly tried to comply with the rules (I would not put money on my card just before going to the airport if I didn't intend to pay), but we made a mistake because the machine only gives instructions in Danish and

is not so easy to use. The decision of Kundeservice says I should have made sure I saw the text "Ok, god rejse", but I didn't know this yet at the time.

The conductor was standing nearby and probably saw us struggling with the machine, and could have guessed from our suitcases that we were visitors from abroad. Instead of assisting us he allowed us to board and then immediately fined us.

The experience left me feeling frustrated, which was a sad way to end my wedding trip to Denmark.

I would like to ask to reduce the fine to the normal cost of two persons travelling from Forum to Lufthavnen. I think this would be the most fair approach.

If there is such a possibility I would also like the appeals body to recommend to the Metro company that their conductors should assist passengers when they see them struggling with the check-in system and not use this as an opportunity to issue a fine."

### **Indklagede anfører følgende:**

" Like all other means of public transportation in the greater Copenhagen area, the Copenhagen Metro employs a self-service system, where the passenger is responsible for being in possession of a valid ticket, for the entire journey, before boarding the train. Passengers must be able to present a valid ticket on demand to the ticket inspectors.

In cases where passengers are not able to present a valid ticket, a fare evasion ticket will be issued, which is currently DKK 750, - for adults. This basic rule is a prerequisite for the self-service system that applies to travel by public transport. The above mentioned information is available on [www.m.dk](http://www.m.dk) as well as on our information boards which are placed at every station. The information boards contain travel information in both English and Danish.

Our Metro staff is trained to issue fare evasion tickets to all customers without a valid ticket. They do not distinguish between an intentional or unintentional mistake. They only check the validity of the ticket. In order to ensure correct travel information passengers can contact our Metro staff either in person or via call points on the station or in the Metro trains.

Call points can be found on all of our ticket vending machines, as well as yellow call points in several other places in every one of our stations. These call points can be used if the passenger requires assistance or guidance. The call point will connect the passenger directly to an operator in our control tower, which is manned 24 hours a day.

In the case in question, the complainant and his companion are met by a steward inspecting tickets on the 29<sup>th</sup> of August 2016 at 07:09 between Forum station and Lufthavnen (airport) station. The complainant presents an anonymous rejsekort that has not been checked in. Despite the fact that neither of the two travelers were checked in on the rejsekort, nor had any other valid ticket the steward only issued a single fine.

The rejsekort in this specific case, is of the type Anonymous. As a Rejsekort Anonymous is not associated with a particular person, it will always be the card bearer, who is responsible for the use of the card.

On this link <http://www.rejsekort.dk/~media/rejsekort/pdf/kortbestemmelser/163526-rejsekort-kortbestemmelser-uk.pdf> one can read the complete Terms & Conditions for Rejsekort in English. And on this link; the English guide in how to use a rejsekort: <http://www.rejsekort.dk/brug-rejsekort/saadan-bruger-du-rejsekort.aspx>



When you check in at the start of your journey, a prepayment is deducted from your rejsekort account. You must have credit on your rejsekort account before you can travel. The balance on your rejsekort account must be at least enough to cover the prepayment on your journey.

#### How to check in

To check in, hold your rejsekort over the Blue Point on the check-in card reader. When your check-in is registered on the chip on your rejsekort, the card reader emits a positive "bing" tone and an OK message will appear on the display screen. You have now checked in and are ready to travel. If you move your card away from the Blue Point too soon, the chip will not register your check-in. If so, the card reader emits a negative "bong" tone and an error message "Fejl. Prøv igen" (Error - please try again) will appear on the display screen. Hold your rejsekort over the Blue Point until the OK message appears in the display screen and the card reader emits a

positive "bing" tone. You have now checked in correctly.

Don't forget to listen for the tone and read the message on the screen when you use rejsekort devices. Then you can be sure that you have checked in and out correctly.

In his complaints the complainant explains that he heard a sound and assumed that he and his companion was checked in correctly. If the complainant, as written in card terms and instructions for travel card had read what was written on the card reader display, the complainant would have been aware that the travel card was not checked in.

The complainant also states that the instructions and error messages on the check-in machines are only in Danish. It is not correct. When you buy a travel card, you can chose between Danish or English on the display of the vending machine, if you chose 'English' the card here after 'speaks' English. The anonymous travel card in this case, was purchased April 25, 2014 at the Airport and the setting on the card was chosen for 'Danish'. Please, see attached 'information om kort'.

We have contacted Rejsekort who states that there has been no error on the equipment that day and time, see attached 'udstyrshistorik'.

The complainant stated that there was a steward near him at the station and that the complainant is almost certain that the steward observed that he (the complainant) tried to check in, but that the steward did not say anything.

Metro stewards have different 'areas of operation' to perform their work, where ticketing represents just a small part. In addition to checking tickets the stewards must also make numerous observations of safety and service nature. When a steward stands on a platform, he or she is not only waiting for the next train, but also conducts observations of eg illuminated signs, loudspeaker announcements, radio calls, if there is anything at the station / platform that has been vandalized or similar, if anything requires summoning of the cleaning teams in addition to all



the safety observations of elevators, escalators, platform screen doors, etc. The complainant cannot have known what the steward has seen and not seen, but the complainant could instead have turned to the steward already on the platform.

Rejsekort A/S has previously conducted a comprehensive analysis of logging more than 30 million transactions. The analysis has shown that all transactions carried out with the rejsekort, always are registered in the underlying rejsekort system Back Office. Since this is not the case here, a proper check in cannot have taken place, which further is supported by the fact that there are no missing card or travel sequences in the card history.

This is an area with great potential for circumventing the passenger's duty to provide for the payment of his or hers journey, if it is accepted that a proper check in has been made, even if it is not registered on the card or in the Back Office.

As we have established that the equipment was not faulty, our conclusion is that the missing check in for the complainant and his companion was caused by the complainant himself, wherefore we maintain our claim of the fee of DKK 750,- "

### **Hertil har klageren anført at:**

"

I wish to maintain my complaint. I accept most of Metro Service's general comments and explanations of how the Rejsekort system works, and limit myself to a few responses:

*Our Metro staff is trained to issue fare evasion tickets to all customers without a valid ticket. They do not distinguish between an intentional or unintentional mistake. They only check the validity of the ticket.*

I accept that it is generally impossible for Metro staff to investigate on the spot whether a passenger without a ticket is acting deliberately or not. I appealed because I hoped that Metro Service would look at the additional evidence it has access to, such as the fact that I put credit on my rejsekort only 2 minutes and a few seconds before I was given the penalty fare, and decide to reverse the fine. Unfortunately, Metro Service hasn't responded at all to this point.

*On this link <http://www.rejsekort.dk/~media/rejsekort/pdf/kortbestemmelser/163526-rejsekort-kortbestemmelser-uk.pdf> one can read the complete Terms & Conditions for Rejsekort in English. And on this link; the English guide in how to use a rejsekort: <http://www.rejsekort.dk/brug-rejsekort/saadan-bruger-du-rejsekort.aspx>*

*In his complaints the complainant explains that he heard a sound and assumed that he and his companion was checked in correctly. If the complainant, as written in card terms and instructions for travel card had read what was written on the card reader display, the complainant would have been aware that the travel card was not checked in.*

I could not find anything relevant to this situation in the Terms & Conditions. They only state: "Check in and check out by holding your Rejsekort on the 'Blue Point' of a card reader, marked 'check in' and 'check out', respectively." This is not a correct explanation when using the "check ind ekstra" card reader for two travelers.

The English guide on how to use a rejsekort at <http://www.rejsekort.dk/brug-rejsekort/saadan-bruger-du-rejsekort.aspx> does not explain how to use these readers either. It only mentions that they exist.

By contrast, on the Danish version of the same page ([http://www.rejsekort.dk/brug-rejsekort/saadan-bruger-du-rejsekort/check-ind-ekstra.aspx?sc\\_lang=da](http://www.rejsekort.dk/brug-rejsekort/saadan-bruger-du-rejsekort/check-ind-ekstra.aspx?sc_lang=da)) there is detailed information on how to use the readers including instruction videos. In the first video, one can actually hear the sound I heard, which made me think I had been checked in.

I am not saying that all information must be translated into English. But it is not correct for Metro Service to claim I could have avoided the penalty fare by reading the information they provide in English.

*The complainant also states that the instructions and error messages on the check-in machines are only in Danish. It is not correct. When you buy a travel card, you can chose between Danish or English on the display of the vending machine, if you chose 'English' the card here after 'speaks' English. The anonymous travel card in this case, was purchased April 25, 2014 at the Airport and the setting on the card was chosen for 'Danish'. Please, see attached 'information om kort'.*

I strongly question whether this claim is correct.

Metro Service has in the past admitted that the error messages on check in machines are in Danish only. See for example the following statement this complaint:

<http://www.abtm.dk/files/AFG.DEC.2015/XXafg%20%202015-0092.pdf>

The English website of rejsekort also says messages on the screens are in Danish:

<http://www.rejsekort.dk/brug-rejsekort/saadan-bruger-du-rejsekort/check-ind.aspx>

When performing an attempt to check in with insufficient balance, the display shows the message below, accompanied with a negative warning tone.



Even though the text in the display is in Danish, we are of the opinion that when both the OK is missing and a tone clearly signals that something is not correct, the complainants therefore must have known, that the check in did go wrong.

I would ask the Appeals Body to seek confirmation from Metro Service that:

- It was possible on 25 April 2014 to buy an anonymous rejsekort that “speaks English” at the airport;
- If using this card, a “check ind ekstra” machine would provide instructions in English.

*The complainant stated that there was a steward near him at the station and that the complainant is almost certain that the steward observed that he (the complainant) tried to check in, but that the steward did not say anything.*

*Metro stewards have different 'areas of operation' to perform their work, where ticketing represents just a small part. (...) The complainant cannot have known what the steward has seen and not seen, but the complainant could instead have turned to the steward already on the platform.*

I accept there is a small chance the steward did not notice me checking in incorrectly. But I note that:

- Metro Service says that stewards are “trained to issue fare evasion tickets to all customers without a valid ticket. They do not distinguish between an intentional or unintentional mistake.” So even if the steward saw me make an unintentional mistake, his instructions were to give me a fine;
- The steward came almost directly to me, as if he knew I was an ‘easy catch’;
- The steward did not ask to check my fellow passenger’s ticket, probably because he had seen that we were trying to travel together on one rejsekort.

I would add that there was no reason to ask for help, as I thought I had checked in correctly, and the steward nearby didn’t correct me.

*Rejsekort A/S has previously conducted a comprehensive analysis of logging more than 30 million transactions. The analysis has shown that all transactions carried out with the rejsekort, always are registered in the underlying rejsekort system Back Office. (...) This is an area with great potential for circumventing the passenger's duty to provide for the payment of his or hers journey, if it is accepted that a proper check in has been made, even if it is not registered on the card or in the Back Office.*

If Metro Service is confident its machines never make mistakes, and it believes it should never reduce or cancel a fine because of a passenger’s mistake, regardless of the circumstances, why does it offer an appeals system?

I understand the fear of setting a dangerous precedent. However, it would also be a bad precedent if the facts and circumstances of an individual case can be treated as irrelevant.

In conclusion, I reiterate my request to cancel the fine or reduce it to the ordinary fare for two passengers travelling from Forum to the airport.

### **Til dette har indklagede svaret at:**

” In connection with the proceeding, of course we noticed that there was transferred 200 DKK to the anonymous travel card. We have not commented on it because in this case there is no question about the balance on the card, the case solely concerns that the complainant and his company was not checked in.

Besides that you can read how to check in extra on Rejsekort’s homepage, there is also a guide in both Danish and English at the check in extra card readers on the stations, see example below.



contact the appropriate appeals board, which then examine the case after receiving information and arguments of the respective parties.

In our initial response to the appeal board in this case, we have attached a document that we have received from Rejsekort showing the anonymous rejsekort's history. In lines 54 and 55, it shows that the rejsekort previously has been used to perform a check in extra at the Copenhagen Central Station and Elsinore station. We therefore consider it likely that the complainant was aware of how to check in extra at the rejsekort.

In his latest mail the complainant requests that our contention that customers can choose which language they prefer when buying a rejsekort in an automat is verified. On this occasion, we have written to Rejsekort. We have attached our request and the response of Rejsekort in a PDF file. The translation is attached in a separate PDF file.

For simplicity, we summarize:

- The technical equipment has been tested and no errors found.
- The complainant had previously performed correct check in extra.
- When the complainant bought his card in 2014, he could choose English or Danish as preferred language.
- There are signs on the check-in-extra card readers that explains how to check more travelers into a rejsekort.

With reference to the above and to the previously submitted response it is still our conclusion, that the missing check in for the complainant and his companion was caused by the complainant himself, wherefore we maintain our claim of the fee of DKK 750,-

PDF file:

#### **Translation of the mail to and from Rejsekort.**

Kære Rejsekort.

I forbindelse med behandling af en ankenævns sag har jeg brug for jeres tilbagemelding, og meget gerne så hurtigt som muligt.

En kunde har købt nedenstående anonyme rejsekort den 25. april 2014 i en RVM i Lufthavnen.

Som det fremgår af nedenstående korthistorik er der valgt DANSK som foretrukket sprog. Jeg vil gerne bede jer be- eller afkræfte, om det også var muligt, tilbage i 2014, at vælge ENGELSK som foretrukket sprog?

Desuden vil jeg gerne bede jer be- eller afkræfte om 'check-ind-ekstra' standerne 'taler' det sprog, som kunden har valgt som foretrukket? Altså 'taler' standerne engelsk, hvis foretrukket sprog er engelsk?

*Dear Rejsekort.*

*In connection with case handling of a complaint I need your feedback, and preferably as soon as possible.*

*A customer bought the following anonymous rejsekort April 25, 2014 in a RVM at the airport.*

*As shown in the following card history DANISH has been chosen as preferred language. I would like to ask you to confirm or deny whether it was possible back in 2014, to select ENGLISH as the preferred language?*

*Furthermore, I would like to ask you to confirm or deny whether the 'check-in extra' card readers 'speak' the language chosen by the customer as preferred? So, do the card readers 'speak' English, if the preferred language on the rejsekort is English?*

Jeg har undersøgt dine spørgsmål, og kan melde følgende tilbage;

**1. Hvornår (årstal) man kunne vælge engelsk i RVM:**

Det har altid været muligt at vælge sit sprog på RVM. Jeg har vedlagt afsnit 3 af den første brugermanual på version 3.6.5, hvor afsnit 3.2.3 beskriver muligheden for valg af sprog. Bemærk at valg af sprog foregår på startskærmen, dvs. den side som kunde møder først.

**2. Var det muligt at vælge ENGELSK som foretrukket sprog tilbage i 2014:**

Den 25. april 2014 benyttede rejsekort-systemet versionen VS4.1.3S.P3.1H15.00 med RVM versionen DK\_RVM\_04.13.75.706. Jeg har vedlagt afsnit 4 af brugermanualen til version VS4.1.3S, hvor afsnit 4.2.4.1 beskriver: "Rør ved skærmen, eller læg et rejsekort i kortlæseren (det viste sprog afhænger af, hvilket sprog der er angivet som foretrukket på rejsekort)". Hvis kunden vælger engelsk på RVM, så ændres det foretrukne sprog på rejsekortet til engelsk (og vice versa).

**3. Taler 'check-ind-ekstra' standerne det sprog, som kunden har valgt som foretrukket:**

CIE-standerne taler ikke kundens foretrukne sprog, men det sprog, der er foretrukket på det valgte rejsekort. Sproget på det valgte rejsekort er ved udstedelsen (eller kortordren) (dvs. før første anvendelse) kundens valgte sprog. Sproget på rejsekortet kan ændres af kunden på en RVM eller ved henvendelse i et betjent salg (ved brug af en BORIS).

*I have studied your questions, and can report the following back;*

**1. When (year) you could choose English in RVM:**

*It has always been possible to choose language on the RVM. I have enclosed section 3 of the first user manual in version 3.6.5, where Section 3.2.3 describes a choice of languages. Note that the language selection takes place on the start screen, ie that screen the client meets first.*

**2. Was it possible to select ENGLISH as the preferred language back in 2014:**

*On April 25, 2014 the Rejsekort system used version VS4.1.3S.P3.1H15.00 with RVM version DK\_RVM\_04.13.75.706. I have enclosed section 4 of the user manual for version VS4.1.3S where section 4.2.4.1 describes: "Touch the screen or place a travel card in the card reader (the language displayed depends on the language specified as the preferred on travel card)". If the customer chooses English at RVM it will change your preferred language on the rejsekort to English (and vice versa).*

**3. Does the 'check-in extra' card readers 'speak' the language chosen by the customer as preferred:**

*CIE card readers do not speak the customer's preferred language, but the card readers 'speak' the preferred language of the rejsekort in use. When the rejsekort is ordered/issued, and before the first use, the language of the card is set to the language selected by the customer. The language of the card can be changed by the customer on a RVM or by contacting a sales point (using a BORIS).*

**Klageren har til dette anført:**

" I will try to keep my points brief:

**1)** MS makes a new claim that there is "a guide in both Danish and English at the check in extra card readers on the stations". This is clearly not true for all card readers; even Rejsekort's official instruction video shows a machine without a guide:

[https://www.youtube.com/watch?v=rAtGW2\\_uV44](https://www.youtube.com/watch?v=rAtGW2_uV44). The card reader at Forum Station did not have a guide. It looks like the one in the photo below.

**2)** MS points out that my Rejsekort was used for a "check in extra" for one earlier return trip, and therefore considers it "likely that the complainant was aware of how to check in extra at the

rejsekort."

In April 2015 I visited Denmark and made a trip to Elsinore with two other foreign nationals and a Dane. The Dane told me about the possibility of multiple persons traveling on one card and performed the check in for us. I saw that happen, but I was not able to reproduce the steps correctly 16 months later.

3) MS confirms that it was possible to select "English" as the language on the rejsekort vending machine in 2014. I accept that this information may be correct and it is good that MS provides this option. However, after looking at the Rejsekort instruction video for check in extra ([https://www.youtube.com/watch?v=rAtGW2\\_uV44](https://www.youtube.com/watch?v=rAtGW2_uV44)) I believe this makes little difference in the particular facts of my case:

A foreign user approaching the machine sees a screen with instructions in Danish. These instructions say you must press on the "+" button; doing so brings up further instructions in Danish. Only then does one hold one's card to the reader. This means the user has to successfully follow two layers of instructions in Danish before the machine has a chance to identify the user as English-speaking.

As I stated in my last letter, I am not demanding that all instructions should be available in English. I am responding to MS' argument that the fine should be upheld because "the missing check in ... was caused by the complainant himself".

I would like to conclude by re-stating the main argument I made when I lodged my complaint, which MS still hasn't responded to.

It is obvious I was not trying to evade the fare. If I was, why would I put credit on my Rejsekort while traveling to the airport to leave Denmark - and then get into a train at the same time (and through the same door) as a steward two minutes later?



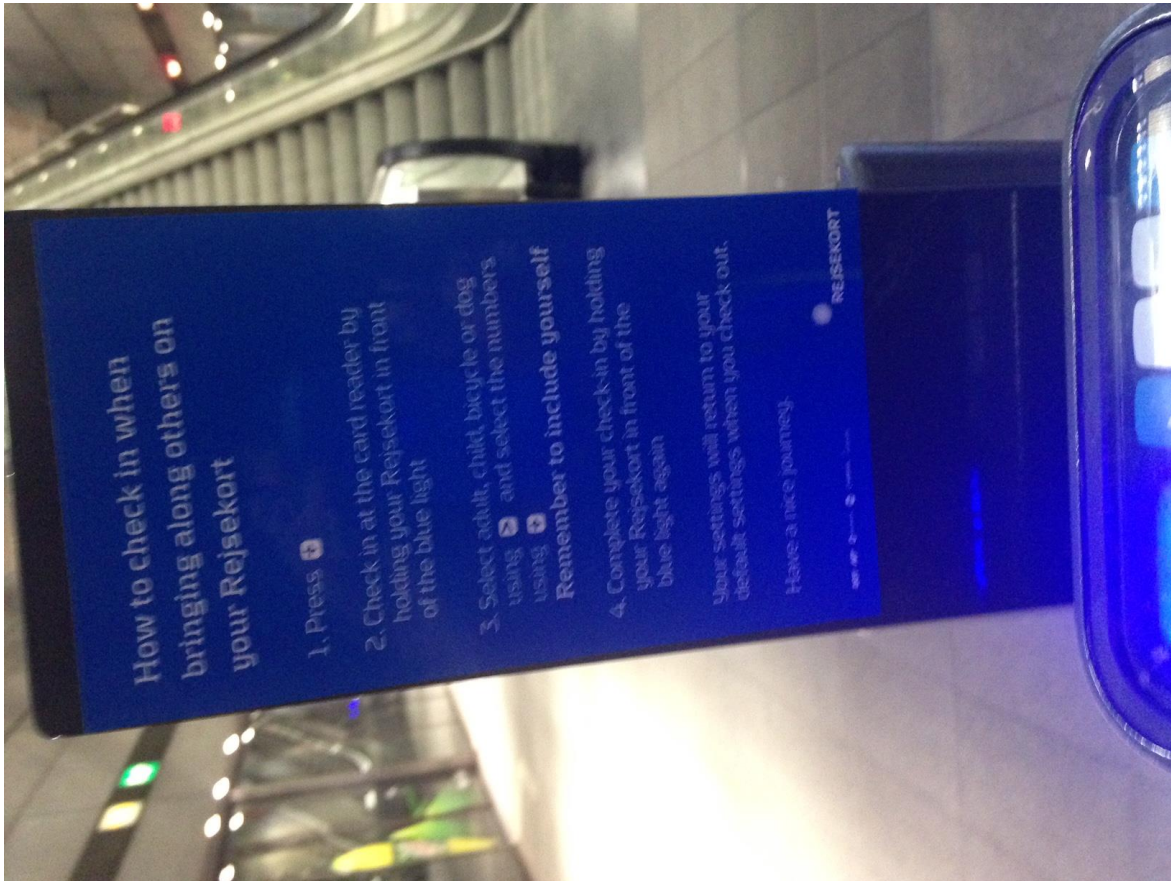
Klageren har yderligere anført at:

asked my mother-in-law who lives near Forum Station to photograph the check in extra card reader located on the platform. I attach the photograph.

As seen, there are now instructions in English there. In her opinion the instructions appear to have been added recently and she did not recall seeing them before. It is certainly clear that they are not part of the original design.

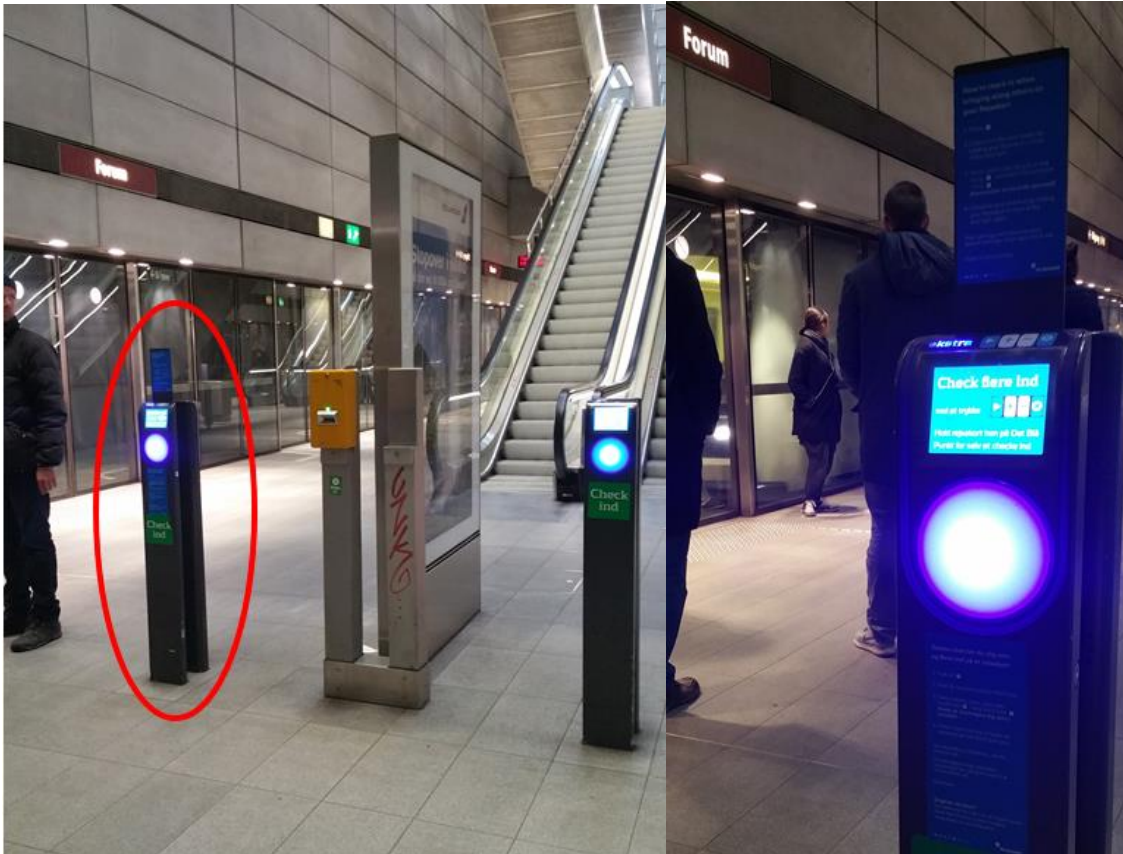
Perhaps Metro Service can clarify when they were added.





Hertil har indklagede svaret:

We have noted the complainant's recent remarks. We also noticed the photo that the complainant have provided, but we cannot determine where the photo comes from or when it was taken. In any case, it is not taken at Forum station from which the complainant has explained that the journey started. We've included photos from Forum station which shows the check-in-extra card reader as well as close-ups of instructions in Danish and English.



**How to check in when bringing along others on your Rejsekort**

1. Press
2. Check in at the card reader by holding your Rejsekort in front of the blue light
3. Select adult, child, bicycle or dog using and select the numbers using   
**Remember to include yourself**
4. Complete your check-in by holding your Rejsekort in front of the blue light again

Your settings will return to your default settings when you check out.

Have a nice journey.

REJSEKORT

**Sådan checker du dig selv og flere ind på et rejsekort**

1. Tryk på
2. Hold dit rejsekort på Det Blå Punkt
3. Vælg voksen, barn, cykel eller hund med vælg antal med   
**Husk at medregne dig selv i antallet**
4. Afslut check ind ved at holde dit rejsekort på Det Blå Punkt igen

Din indstilling annulleres, når du checker ud.

Du kan også bruge rejsekortautomaten her på stationen til at checke flere ind.

God rejse.


**English version?**  
See below the blue light for an English guide about how to check in when bringing along others on your Rejsekort

REJSEKORT

All instructions on the check-in-extra card readers were added mid May 2016, in Danish as well as in English.

With reference to the above and to the previously submitted response it is still our conclusion, that the missing check in for the complainant and his companion was caused by the complainant himself, wherefore we maintain our claim of the fee of DKK 750,- “

På ankenævnets vegne



Tine Vuust  
Nævnensformand