

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer:	2022-0274
Klageren:	XX på vegne af hustruen YY Sollentuna, Sverige
Indklagede:	Movia
CVR-nummer:	29 89 65 69
Klagen vedrører:	Kontrolafgift på 1.000 kr. grundet rejse uden billet
Parternes krav:	Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at hans hustru, som medbragte to små børn, ville købe billet i bussen, men kun havde betalingskort, samt at chaufføren var venlig og lod hende rejse med uden billet til det førstkommende stop, hvor hun kunne købe en billet, hvilket chaufføren skulle give besked om Indklagede fastholder kontrolafgiften
Ankenævnets sammensætning:	Nævnensformand, landsdommer Tine Vuust Jacob Ruben Hansen Torben Steenberg Helle Berg Johansen Dorte Lundqvist Bang

Ankenævnet for Bus, Tog og Metro har på sit møde den 12. april 2023 truffet følgende

AFGØRELSE:

Movia skal frafalde kontrolafgiften på 1.000 kr. og skal endvidere betale 10.000 kr. i sagsomkostninger til ankenævnet, jf. ankenævnets vedtægter § 25, stk. 1 og stk. 2.

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

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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.

Ankenævnet for Bus, Tog og Metro



SAGENS OMSTÆNDIGHEDER:

Klagerens hustru, som er bosat i Sverige, var med parrets to små børn i København fra den 12. november 2022 for at besøge klageren, der var begyndt at arbejde i Danmark. Ifølge klageren var det hustruens første besøg i København.

Den 15. november 2022 steg hustruen medbringende en klapvogn og begge børn ombord på Movias buslinje 7A ved Fisketorvet for at rejse til Zoologisk Have på Frederiksberg. Hun forhørte sig hos chaufføren om køb af billet, men da hun kun havde betalingskort og ingen kontanter, kunne hun ikke betale for en billet hos chaufføren.

Ifølge klageren spurgte hustruen, om hun skulle stige af bussen igen, men chaufføren sagde, at hun kunne blive ombord og rejse med et par stop til et stoppested, hvor der var billetsalg, hvilket chaufføren ville oplyse hende om.

Bussen afgik fra stoppestedet, Fisketorvet, kl. 12:12:05 og stoppede første gang godt 4 minutter senere ved Hovedbanegården, idet den passerede stoppestederne, Tivoli Hotel og Polititorvet, uden at holde ind. På Hovedbanegården findes billetsalg, men klagerens hustru steg imidlertid ikke af bussen her for at købe billet.

Ved stoppestedet, Værnedamsvej, som var det fjerde stoppested efter Fisketorvet, hvor bussen holdt ind, steg kontrolløreren på bussen kl. 12:22:03, og ved den efterfølgende billettering blev hustruen kl. 12:24:46 pålagt en kontrolafgift på 1.000 kr. for ikke at kunne forevise billet.

Uddrag af bussens GPS-log:

Linie	Tur	Fra	Til	Stop	StopNavn	PlanAfg	Forv.Ank	Forv.Afg	Fakt.Ank	Fakt.Afg
7A	62	Ellebjergervej	Rødovrehallen	1320	Fisketorvet, Dybbølsbro	12:10	12:11:23	12:11:34	12:11:43	12:12:05
7A	62	Ellebjergervej	Rødovrehallen	1321	Tivoli Hotel	12:12	12:13:18	12:13:25	12:13:15	12:13:15
7A	62	Ellebjergervej	Rødovrehallen	1322	Polititorvet	12:14	12:14:10	12:14:18	12:14:25	12:14:25
7A	62	Ellebjergervej	Rødovrehallen	10844	Hovedbanegården, Tivoli	12:16	12:15:56	12:17:09	12:16:10	12:16:33
7A	62	Ellebjergervej	Rødovrehallen	1527	Hovedbanegården, Frihedsstøtten	12:17	12:17:51	12:18:04	12:18:08	12:18:26
7A	62	Ellebjergervej	Rødovrehallen	1528	Vesterbros Torv	12:19	12:19:22	12:19:39	12:20:09	12:20:42
7A	62	Ellebjergervej	Rødovrehallen	2303	Værnedamsvej	12:21	12:22:01	12:23:08	12:23:11	12:23:11

Uddrag af den elektroniske kontrolafgift:

Stop	Værnedamsvej
Tur ID	0
Påstigning	15-11-2022 12:22:03
Udstedt dato/tid	15-11-2022 12:24:46
Stået af	15-11-2022 12:25:55
Passager tal	15
Kontrol spørgsmål stillet	Nej
Kunden har forespurgt chauffør	Nej
Jeg har forespurgt chauffør	Nej
Kort inddraget	Nej
Årsag	Ingen billet fremvist
Bemærkning	

Den 16. november 2022 anmodede hustruen Movia om at frafalde kontrolafgiften med den begrundelse, at hun på vejen hen til bussen uden held havde ledt efter et sted at købe billet, og at hun kun var blevet ombord på bussen, fordi chaufføren havde givet tilladelse hertil, samt at kontrolløren hverken ville høre på hendes eller chaufførens forklaringer. Hun angav i kontaktformularen til Movia at have talt med chaufføren om billet, samt at henvendelsen også drejede sig om hendes samtale med kontrolløren. Hun medsendte kopi af en 120-timers City-Pass-billet, som hun efterfølgende havde købt før hjemrejsen fra Zoologisk Have.

Movia fastholdt kontrolafgiften den 23. november 2022 og anførte, at kontrollørerne var steget på bussen 6 stop efter Fisketorvet, og at hun derfor ikke, som hun havde aftalt med chaufføren, var steget af bussen for at købe billet, men var blevet ombord uden at have gyldig rejsehjemmel.

Den 24. november 2022 anmodede klagerens hustru på ny Movia om at frafalde kontrolafgiften og gentog, at hun havde spurgt chaufføren, om hun skulle stige af bussen, samt havde fortalt ham, at det var hendes første besøg i København, og han havde sagt, at hun kunne blive ombord, og at han ville give hende besked, når hun skulle stige af for at købe billet. Dette stoledes hun på, og hun forblev kun ombord, fordi chaufføren havde givet hende tilladelse hertil. Hun forklarede, at hun havde oplyst dette til kontrolløren, som herefter havde spurgt chaufføren, men kontrolløren ville hverken lytte til hende eller til chaufføren. Efterfølgende havde hun henvendt sig til chaufføren, som imidlertid ikke kunne forklare hende, hvorfor kontrolløren havde udstedt en kontrolafgift, når hun havde fået tilladelse til at blive ombord.

I sin henvendelse til Movia beskrev klageren forløbet således:

”

Here is what had happened in detail on that day:

1. Firstly I went to NETTO to buy the ticket, but they were not having it. Then I walked with stroller with my two small children in a very bad weather all over from my hotel all the way to the Fisketorvet Mall where I asked one couple with a kid stroller to where to buy the ticket and asked about that can I board the bus with stroller. They told me that I can buy the ticket from bus, and I had asked them I have my bank card, they told me that yes, you can buy ticket with your card inside the bus.
2. When I boarded the bus with my children, I parked the stroller and, in few seconds, I went to the driver with my bank card and told him that I want to buy ticket.
He said If you have cash then I can issue ticket. Then I told him that I don't have cash and I am a first-time visitor with children, and I do not know about this area, and I do not know where to buy ticket.
3. Then I asked him that Should I get down from the bus. Then he said No, you can stay in the bus, and I will let you know in which station you will get down and buy the ticket easily.
4. Then I seated near to the driver seat and with my kids' stroller, so that it would be easy to see his signal to get down to the station to buy the ticket.
5. It is not a question of 6 stops had passed when the checker came, but I was waiting for driver to let me know where to get down and be able to buy the ticket. So, I trusted him as I was a tourist and with small kids
6. When investigator came, driver told her that he said to me to stay in the bus.
7. I told her the same thing that He said I should stay in the bus, and he will let me know where to get down to buy the ticket.
8. But She issued me the fine, which I could not understand. I was shocked and disappointed that what has happened to me. I went to the bus driver and asked him that why she issued me this. Because I came directly to you to buy the ticket, I have asked to that I can get down just next stop from where I boarded then why you told me to stay.
9. He said I told her, but she did not listen to me. I do not know why she did this to you despite our communication
10. That time I was so upset, because my trust was broken. That time I was not able to understand what has happened to me. It's a question about my honesty.
One Danish elder lady came to me who saw all the incident and said that it was really unfortunate. You can complaint against this and told me about Danish system that you can trust on Danish society and system, you will definitely get the solution.
"

Den 25. november 2022 indhentede Movia følgende udtalelse fra busoperatøren:

"

Sagen er nu blevet undersøgt hos det private busselskab, som betjener linje 7A. Den ansvarlige leder oplyser følgende:

Har talt med chaufføren, som IKKE kan bekræfte kundens beretning. Han ville heller ikke foreslå den form for billetkøb, men i stedet henvise til køb af mobilbillet.

"

Movia fastholdt derpå kontrolafgiften.

Klageren indbragte sagen for ankenævnet den 26. november 2022.

SEKRETARIATETS BEHANDLING AF SAGEN:

På forespørgsel fra sekretariatet har Movia oplyst følgende:

"Sagen har ikke været sendt i høring hos kontrolløren. Der er krydset af i NEJ til kunden har forespurgt chaufføren. Sagen har været i høring hos chaufføren, der afviser at være blevet adspurgt af klager.

Det er korrekt at bussen ikke har været standset ved stoppestederne Tivoli Hotel og Polititorvet. Bussen kan teoretisk set været standset uden for rækkevidde af stoppestedet - hvis stoppestedet fx har været flyttet eller der ikke er plads pga. flere busser.

Vi har desværre ikke adgang til den udvidede GPS på nuværende tidspunkt. Jeg har undersøgt sagen nærmere og de to stoppesteder har ikke været omlagt. Jeg vurderer det som sandsynligt, at der er tale om forbikørsler (ingen har trykket STOP og ingen ventende passagerer)."

Sekretariatet har endvidere bedt Movia om at bekræfte, om svaret for "Kunden har forespurgt chauffør" og "Jeg har forespurgt chauffør" er indstillet til "Nej" (default), og derfor altid står som "Nej", med mindre kontrolløren aktivt ændrer det til "Ja". Hertil har Movia svaret:

"Både ja og nej. Felterne er ikke krydset af på forhånd og står som tomme. Hvis kontrolløren derimod IKKE krydser af, dvs. hverken vælger JA eller NEJ, vil der automatisk blive sat mærke i NEJ når afgiften udstedes."

Movia har videre oplyst, at dette er ved at blive ændret således, at kontrollørerne altid aktivt skal vælge "ja" eller "nej" i forbindelse med udfyldning af kontrolafgiften.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Da klagerens hustru rejste med Movias buslinje 7A, kunne hun ved kontrol i bussen ikke forevise billet, og kontrolafgiften blev derfor i kontrolsituationen pålagt med rette.

På den elektroniske kontrolafgift er der krydset "nej" både i feltet om passageren havde spurgt chaufføren, samt i feltet om kontrolløren havde spurgt chaufføren.

I sin henvendelse til Movia dagen efter kontrolafgiftens udstedelse angav klagerens hustru imidlertid at have talt med chaufføren om billet, at henvendelsen også drejede sig om hendes samtale med kontrolløren, samt at kontrolløren talte med chaufføren, og hun beskrev endvidere udførligt det passerede i forbindelse hermed.

Da afkrydsningen på den elektroniske kontrolafgift ifølge det oplyste *kan* være sket automatisk, burde Movia derfor med det samme, da de modtog klagerens indsigelse, som stred imod det, der var oplyst på kontrolafgiften, have iværksat en høring af både kontrolløren og chaufføren om det passerede, mens dette var i frisk erindring hos medarbejderne.

Ved at have undladt dette finder ankenævnet – uanset chaufførens udtalelse 10 dage senere om ikke at kunne genkende hustruens forklaring – at Movia ikke har tilvejebragt et tilstrækkeligt grundlag for at tilsidesætte hustruens plausible forklaring om, at chaufføren under de konkrete omstændigheder, hvor hun var kommet ombord på bussen med to små børn og en klapvogn, gav hende tilladelse til at blive ombord nogle stop uden billet for på tegn fra chaufføren at stige af igen ved et senere stop, hvor der kunne købes billet med betalingskort.

Under disse omstændigheder finder ankenævnet, at klageren i det konkrete tilfælde ikke skal bære ansvaret for manglende gyldig rejsehjemmel.

På denne baggrund skal Movia frafalde kontrolafgiften og skal endvidere betale sagsomkostninger for sagens behandling i ankenævnet.

Ankenævnet bemærker afslutningsvis, at hvis et "nej" i felterne, om passageren har spurgt chaufføren, og om kontrolløren har spurgt chaufføren, skal kunne tillægges nogen bevismæssig betydning, må udfyldningen ikke kunne ske automatisk.

RETSGRUNDLAG:

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

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 1.000 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:

" Last week my wife was visting as a first time tourist to Denmark, Copenhagen. I am also new to Denmark and have started a job recently in Copenhagen.

She was with 2 small kids aged 3&4 years old on a very cold and windy day. Unaware of the transport system, she had walked almost a kilometre to the bus stop and had enquired at stores like Netto about bus tickets.

1. She then took the bus 7A to take the kids to the zoo, and went to the driver to buy the ticket.
2. She offered to pay with a debit card, however the driver told her that she can only buy cash tickets with her.
3. She had aksed the driver if she should leave the bus to which he had told her that she can stay in the bus and the driver will let her know the right stop where she can get down in order to be able to buy the tickets with credit card.
4. She was waiting for the driver's signal to get off to be able to buy the ticket, but during the course a checker came and gave her a fine of 1000 DKK.

The key point here is that with 2 small kids on a windy day, if a tourist lady being absolutely new to a foreign city having trusted the driver of the bus to stay on the bus, the responsibility of this failure shouldn't lie on my wife as she was simply waiting for driver to confirm to her when to get off.

Just to give you a context about us, this was the first ever visit of my wife with kids to Denmark, and we were regular tourists from Sweden who have spent perhaps over 20,000 DKK during our 1 week of stay in hotels, food, tivoli, zoo, aquairum etc.

I have recently started a job in Copenhagen and shall pay around 30,000 DKK in taxes every month.

There is absolutely no reason why we would want to save the cost of a bus ticket around 30-40 DKK.

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My wife hasn't slept well for a couple of nights as more than money this challenges her integrity, honesty and notions of trust in a foreign country.

I hope you can understand the psychological impact here and on pure humanitarian grounds, cancel the fine that has been put on her."

Og har videre anført:

" We have received a reply from Movia that the driver hasn't agreed with what my wife has described in the complaint. Therefore we would like to add few more points here:

1. When the checker had come in the bus, the driver and checker had some conversation in Danish, which we don't know of, perhaps about her. Then to the checker my wife had told her about the background conversation with the driver and the reason she is in the bus without ticket with his permission.
2. After the checker had given her fine, she had told her options like using DOT app for future which my wife wasn't aware of.
3. After the checker had left my wife had gone to the driver, and he had mentioned that he wasn't sure why she was given the fine despite him having told the checker that she was in the bus without ticket only after his confirmation. She then had told him that when she had asked the specific question at time of boarding that should she get off the bus, then he should have told her to do so.

We assume that the driver will challenge the point no. 3 here as well, and we can understand the motivations which simply might be the fear of consequences. We would rather pay the fine but definitely want no action against the driver as he has helped my wife in need.

Therefore we think the confirmation from checker on the account of what my wife has claimed here in conversation with her, and her conversation with driver is also important in our appeal, as the checker could be a neutral third party.

Our stand is that this is a case where one human has helped another human in need, and the system shouldn't punish either of them. Following the rules of society is important, and at the same time for a society to grow the trust between human beings shouldn't be punished.

I hope the board sees this larger picture, and gives the decision in favour of the human trust we are referring to here."

Indklagede anfører følgende:

" Movia maintains that the fare evasion ticket issued 15.11.2022 is rightly imposed and we do so on the grounds that complainant did not present a valid check in or ticket on the ticket inspectors inquiry in the bus.

Background

A valid ticket is a customer's documentation of the right to be transported in public transport. According to the principle of self-service it is the passenger's own responsibility to have a valid ticket and to be able to present it at the inspector's request.

Joint National Travel Regulations:

2.3. Purchase of travel documents

Automatikvej 1, 2860 Søborg
Tlf: 22 62 65 00
tirsdag kl. 9.30-11.30 og fredag 10:00-11:30
e-mail: mail@abtm.dk
www.abtm.dk

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. The driver does not perform systematic single ticket inspection. Upon request, the driver can provide guidance on 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 Rejekort for their travel, must pay an inspection fee.

Fare evasion ticket

The ticket inspector enters the bus 7A at bus stop Værnedamsvej and begins a ticket inspection. Complainant is already in the bus and is unable to show a valid ticket upon request.

The ticket inspector has assessed that the complainant has not complied with her responsibility as a customer to be in possession of a valid ticket and has issued a fare evasion ticket as mentioned in the Joint National Travel Regulations 2.3., 2.4. and 2.7.1.

A fare evasion ticket is not conditional on whether the customer has deliberately tried to evade payment or whether there are errors or misunderstandings, but only if the customer can present a valid ticket during ticket inspection. Complainant has not been able to present a valid ticket during ticket inspection and the fare evasion ticket has been correctly issued.

Comments and decision

In her objection complainant informs us she got on the bus Fisketorvet:

“Where did you board the bus?: Fisketorvet, Dybbølsbro (kalvebod Brygge)”

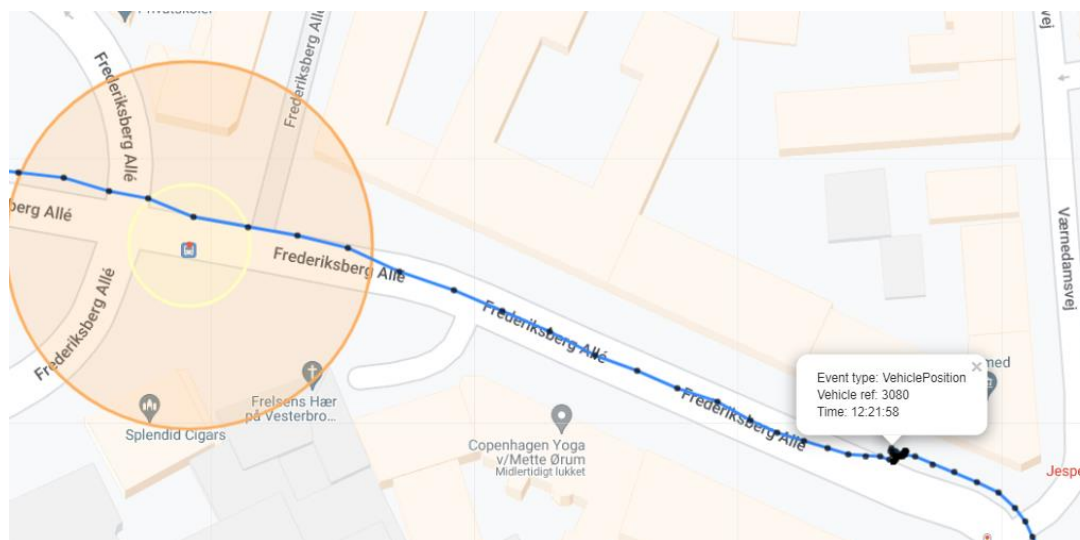
Fisketorvet is located six bus stops before Værnedamsvej and complainant has therefore been in the bus for almost 10 minutes without a valid ticket as shown on the bus' GPS:

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Linie	Tur	Fra	Til	Stop	StopNavn	PlanAfg	Forv.Ank	Forv.Afg	Fakt.Ank	Fakt.Afg	Opdateret	Status	Bus	CS	Forsinkelse	Ophold
7A	62	Ellebjergvej	Rødovrehallen	1189	Ellebjergvej	11:50	11:50:00	11:50:00	11:47:09	11:47:09	11:47:14	Realtid	3080	1	-171	0
7A	62	Ellebjergvej	Rødovrehallen	52817	Mozarts Plads	11:54	11:50:10	11:52:52	11:52:59	11:53:39	11:53:47	Realtid	3080	1	-21	40
7A	62	Ellebjergvej	Rødovrehallen	1544	Anker Jørgensens Plads	11:55	11:54:52	11:54:58	11:55:03	11:55:36	11:55:42	Realtid	3080	1	36	33
7A	62	Ellebjergvej	Rødovrehallen	1192	Bådehavnsgade	11:58	11:57:36	11:57:43	11:57:50	11:57:50	11:57:52	Realtid	3080	1	-10	0
7A	62	Ellebjergvej	Rødovrehallen	47749	Ernie Wilkins Vej	12:00	11:59:11	11:59:30	11:59:11	11:59:36	11:59:40	Realtid	3080	1	-24	25
7A	62	Ellebjergvej	Rødovrehallen	47751	Alliancevej	12:02	12:00:28	12:01:44	12:00:44	12:01:52	12:01:58	Realtid	3080	1	-8	68
7A	62	Ellebjergvej	Rødovrehallen	2829	Tegholm Allé	12:02	12:02:25	12:02:31	12:02:59	12:03:07	12:03:14	Realtid	3080	1	67	8
7A	62	Ellebjergvej	Rødovrehallen	5488	Scandiagade	12:04	12:04:13	12:04:15	12:04:15	12:04:15	12:04:17	Realtid	3080	1	15	0
7A	62	Ellebjergvej	Rødovrehallen	1315	Tegholmsgade	12:05	12:05:17	12:05:17	12:05:46	12:05:46	12:05:47	Realtid	3080	1	46	0
7A	62	Ellebjergvej	Rødovrehallen	1316	Frederiks Brygge	12:06	12:06:48	12:06:48	12:07:00	12:07:14	12:07:19	Realtid	3080	1	74	14
7A	62	Ellebjergvej	Rødovrehallen	1317	H. C. Ørsted Værket	12:08	12:07:33	12:09:20	12:08:20	12:09:51	12:09:53	Realtid	3080	1	111	91
7A	62	Ellebjergvej	Rødovrehallen	1318	Toldkammeret	12:08	12:10:10	12:10:16	12:10:10	12:10:10	12:10:11	Realtid	3080	1	130	0
7A	62	Ellebjergvej	Rødovrehallen	1319	Otto Busses Vej	12:10	12:11:03	12:11:05	12:11:21	12:11:21	12:11:23	Realtid	3080	1	81	0
7A	62	Ellebjergvej	Rødovrehallen	1320	Fisketorvet, Dybbølsbro	12:10	12:11:23	12:11:34	12:11:43	12:12:05	12:12:10	Realtid	3080	1	125	22
7A	62	Ellebjergvej	Rødovrehallen	1321	Tivoli Hotel	12:12	12:13:18	12:13:25	12:13:15	12:13:15	12:13:17	Realtid	3080	1	75	0
7A	62	Ellebjergvej	Rødovrehallen	1322	Polittorvet	12:14	12:14:10	12:14:18	12:14:25	12:14:25	12:14:29	Realtid	3080	1	25	0
7A	62	Ellebjergvej	Rødovrehallen	10844	Hovedbanegården, Tivoli	12:16	12:15:56	12:17:09	12:16:10	12:16:33	12:16:39	Realtid	3080	1	33	23
7A	62	Ellebjergvej	Rødovrehallen	1527	Hovedbanegården, Frihedsstøtten	12:17	12:17:51	12:18:04	12:18:08	12:18:26	12:18:27	Realtid	3080	1	86	18
7A	62	Ellebjergvej	Rødovrehallen	1528	Vesterbros Torv	12:19	12:19:22	12:19:39	12:20:09	12:20:42	12:20:46	Realtid	3080	1	102	33
7A	62	Ellebjergvej	Rødovrehallen	2303	Værnedamsvej	12:21	12:22:01	12:23:08	12:23:11	12:23:11	12:23:12	Realtid	3080	1	131	0
7A	62	Ellebjergvej	Rødovrehallen	2304	Kingosgade	12:22	12:23:46	12:23:52	12:24:03	12:24:17	12:24:23	Realtid	3080	1	137	14
7A	62	Ellebjergvej	Rødovrehallen	2305	Frederiksberg Allé St.	12:23	12:24:35	12:24:49	12:25:07	12:25:48	12:25:58	Realtid	3080	1	168	41
7A	62	Ellebjergvej	Rødovrehallen	2306	Frydendalsvej	12:24	12:26:14	12:26:15	12:26:45	12:27:04	12:27:14	Realtid	3080	1	184	19
7A	62	Ellebjergvej	Rødovrehallen	1097	Frederiksberg Runddel	12:25	12:27:54	12:28:00	12:28:15	12:28:29	12:28:35	Realtid	3080	1	209	14
7A	62	Ellebjergvej	Rødovrehallen	2307	De Små Haver	12:27	12:29:15	12:30:09	12:30:16	12:30:31	12:30:40	Realtid	3080	1	211	15
7A	62	Ellebjergvej	Rødovrehallen	2308	Zoologisk Have	12:29	12:30:52	12:31:17	12:31:27	12:31:44	12:31:53	Realtid	3080	1	164	17

The bus stop Værnedamsvej was temporarily moved as shown below. The bus arrives at Værnedamsvej at 12:21:58 and departs at 12:22:28. The ticket inspectors enters the bus at 12:22:03:

Stop	Værnedamsvej
Tur ID	0
Påstigning	15-11-2022 12:22:03



Complainant further states:

“When I boarded the bus, the bus driver told me that I must have cash and can't buy ticket with a debit card. However he told me that I can board the bus without ticket for few stops and get down to a stop from where I will have access to DOT vending machine to buy tickets”

According to complainant herself the driver gave permission to enter the bus on the condition that she got off the bus at Copenhagen Central Station which is located on both the third and fourth bus stop after Fisketorvet.

We asked the bus company who cannot confirm complainant:

"Har talt med chaufføren, som IKKE kan bekræfte kundens beretning. Han ville heller ikke foreslå den form for billetkøb, men i stedet henvise til køb af mobilbillet."

There is an information board at all bus stops. On this information board you will find a guide on how to purchase tickets and the telephone number to DOT customer service if in doubt or have any questions. The example below is from another bus stop but identical to the information board at Fisketorvet:



Trafikinfo

Kildegårds Plads

Zone 30, stoppested nr. 6044

Hvornår kommer bussen?

Få besked på din mobiltelefon om, hvornår næste bus kører. Send en SMS til 1250 og få en SMS med bussens næste afgangstider. SMS "S 6044" til 1250.

Se hvornår bussen kommer til stoppestedet på dinoeffentligetransport.dk/stoppested eller få besked om ændringer i Rejseplanens app.

Find den rigtige billet for dig

I DOTs app kan du købe en mobilbillet. Du kan også købe din billet på SMS. Send en SMS til 1415 med startzone, antal zoner og billetttype (f.eks. '1 2 V' for en 2-zoner voksenbillet fra zone 1). Se startzonen for dit stoppested øverst på tavlen. På dinoeffentligetransport.dk finder du et kort, hvor du kan se hvor mange zoner, du skal købe billet til. Her kan du også tjekke hvilken billetttype, der passer bedst til din rejse. Du skal købe og modtage din billet, inden du stiger på bussen.

Er bussen mere end 20 minutter forsinket?

Få refunderet dine udgifter til en taxa. Under 'Rejsegaranti' på dinoeffentligetransport.dk kan du læse mere.

DOT Kundeservice 70 15 70 00

When will the bus arrive?

Send a text message to 1250 and receive a text message with the next departures from your stop. Text "S 6044" to 1250. This service is only possible if your mobile phone provider is Danish.

You can view the timetable on dinoeffentligetransport.dk/stoppested. If you wish to plan or follow your journey, you can use the Rejseplanen app.

Find and purchase the right ticket

You can purchase mobile tickets using DOT's app. You can also purchase mobile tickets by text message and pay via your mobile phone bill.

Send a text to 1415 with your start zone, number of zones and type of ticket (e.g. '1 2 V' for a 2 zone adult ticket from zone 1).

On dinoeffentligetransport.dk you can find a map, where you can view the number of zones required for your journey. This service is only possible if your mobile phone provider is Danish. Find out more about tickets on dinoeffentligetransport.dk. Make sure you have received your ticket before boarding the bus.

Is your bus more than 20 minutes late?

Then you are entitled to a refund of your taxi fare. Find out more on dinoeffentligetransport.dk under 'Rejsegaranti'.

DOT customer service +45 70 15 70 00

Du betaler almindelig data-takst ved download af app'en. Mobilbillet App er gratis. SMS koster alm. SMS takst.

11.12.22



DOT Din Offentlige

Movia does not consider that in this case there are any special circumstances to explain or justify that complainant cannot show a valid ticket upon request and maintains the fare evasion ticket.

In our decision we put emphasis on:

- Complainant has been in the bus for ten minutes without a valid ticket.

- According to complainants own statement the bus driver allowed her to get on the bus on the condition that she got off the bus a few stops later.
- It is the customers own responsibility to be in possession of a valid ticket when travelling.
- A passenger is obligated to familiarize oneself with the rules before travelling, and you cannot, without examining this more closely, assume that the same rules apply to buying a ticket as in other countries. There is a purchase guide at the bus stop and it is possible to call customer service. Both DSB and DOT websites are in English as well.

”

Hertil har klageren bemærket:

” We would like to continue with the complaint, as we stand by that the information provided here by Movia isn't fully correct, and my wife wasn't told to get off at the central bus stop to buy the ticket. She was just told to stay in the bus, and buy the ticket later after the confirmation from the driver to get off at the stop which he was supposed to have let her know. Since she had received no confirmation from the driver when to get off , she had stayed in the bus.

Our response remains that this is a case where one human (driver) has helped another human (my wife with 2 small kids) in a difficult situation, and the system shouldn't punish either of them. Following the rules of society is important, and at the same time for a society to grow the trust between human beings shouldn't be punished especially when there is a clear communication gap on the part of all the three parties involved (driver, my wife and checker).

I hope the board sees this larger picture, and gives the decision in favour of the us so that human trust in society isn't hampered.”

Indklagede har ikke indsendt yderligere bemærkninger.

På ankenævnets vegne



Tine Vuust
Nævnensformand