

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

- Journalnummer:** 23-0209
- Klageren:** XX og YY
Frankrig
- Indklagede:** Metroselskabet I/S v/Metro Service A/S
CVR-nummer: 21 26 38 34
- Klagen vedrører:** 2 kontrolafgift på 750 kr. hver grundet rejse på et Copenhagen Card, der var udløbet
- Parternes krav:** Klageren ønsker, at ankenævnet annullerer kontrolafgifterne, og gør gældende, at de grundet formuleringen om "ubegrænset" transport til og fra lufthavnen regnede med, at de kunne rejse til lufthavnen for at tage et fly hjem
- Indklagede fastholder kontrolafgiften
- Ankenævnets sammensætning:** Nævnensformand, dommer Lone Bach Nielsen
Gry Middtun
Torben Steenberg
Helle Berg Johansen
Dorte Lundqvist Bang

Ankenævnet for Bus, Tog og Metro har på sit møde den 11. oktober 2023 truffet følgende

FLERTALSAFGØRELSE:

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

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

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

- oOo -

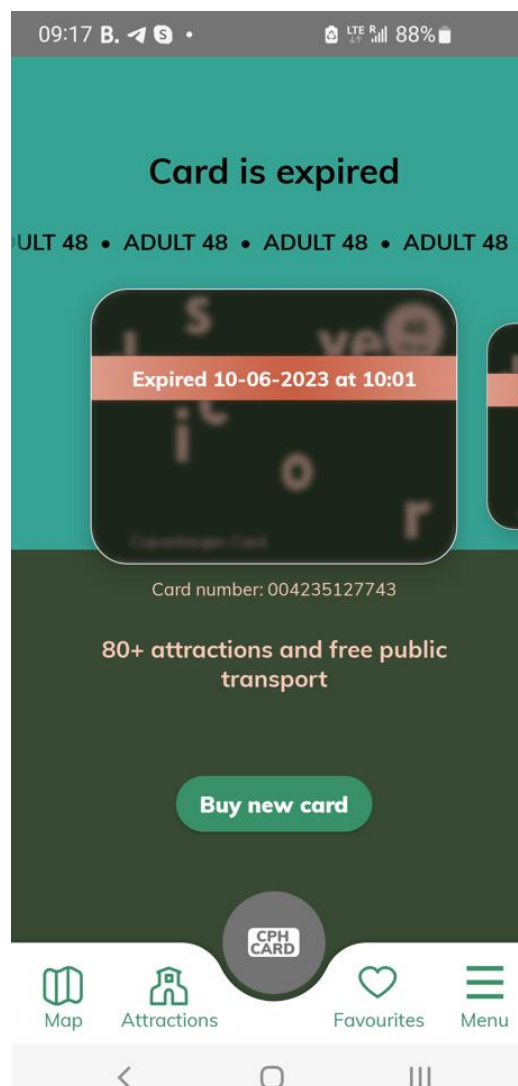
Hver af parterne kan anlægge sag ved domstolene om de forhold, som klagen har vedrørt.

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 forsikringselskab om eventuel forsikringsretshjælp.

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SAGENS OMSTÆNDIGHEDER:

Klagerne, der er franskmænd, besøgte København som turister i juni 2023, og havde købt et Copenhagen Card Discover med gyldighed i 48 timer både som rejsehjemmel til at komme rundt med kollektiv transport og for at få fri adgang til seværdigheder. De to kort kostede i alt 1.358 kr. De blev leveret til telefonen og så således ud:



Når man køber Discover-kortet på Copenhagencard.dk, får man følgende informationer og købsflow:

What's included?

Which card should I choose?

See which benefits are included with each card. No matter if you choose DISCOVER or HOP you can always bring two children for free!*

Get DISCOVER from 459 DKK // EUR 62

Get HOP from 475 DKK // EUR 64

*Note that the two free kids cards must be added when purchasing an adult card.

BUY NOW! →



24, 48, 72, 96 & 120 hours

From DKK 459 // EUR 62



24, 48 & 72 hours

From DKK 475 // EUR 64

	80+ attractions	40+ attractions
Free entrance at attractions	●	●
Two kids under the age of 12 for free	●	●
Unlimited public transport in the greater Copenhagen Area	●	●
Hop-On-Hop-Off buses	●	●
Airport transport	●	●

Free transport

COPENHAGEN CARD - DISCOVER[®] includes the public transportation and gives you access to the metro, regional trains, buses and much more as well as it allows you to travel the entire Capital Region. This includes travel to/from the Airport.

COPENHAGEN CARD - HOP[®] includes unlimited access to the Stomma Hop On-Hop Off buses. Choose between three different routes around central Copenhagen, past many major sights.

SEE MORE →

COPENHAGEN CARD - DISCOVER

- ✓ Free access to 80+ attractions
- ✓ Unlimited public transportation (in zone 1 -99)
- ✓ Free transportation to and from the Airport
- ✓ Experience attractions in the city and the entire Capital Region

COPENHAGEN CARD - DISCOVER is available from 24, 48, 72, 96 or 120 hours.

From DKK 459,-

See more about [COPENHAGEN CARD - DISCOVER](#)

ADD DISCOVER TO CART →



No need to tap

No matter if you choose DISCOVER or HOP you don't need to tap it anywhere. Just present the QR-code when asked to do so by either the driver or inspector. Just make sure your Copenhagen Card is 'active' throughtout your entire journey.

BUY NOW →

F.A.Q.

Is transport to/from the Airport included?

Is transport to Malmö (Sweden) included?

Is transport to Elsinore (Helsingør) and Roskilde included?

Does my card need to be valid throughout the lenght of my journey?

Do I need to scan, tap or present my card before boarding the public transport?

Q: Is transport to/from the Airport included?

A: It is included in the COPENHAGEN CARD - DISCOVER, when the card is valid and activated. DISCOVER covers all public transportation forms between the city and Copenhagen Airport.

You get free unlimited public transport in the Copenhagen region (zone 1-99), which includes Copenhagen Airport (zone 4).

Airport-transportation is NOT included in HOP.

F.A.Q.

Is transport to/from the Airport included?

Is transport to Malmö (Sweden) included?

Is transport to Elsinore (Helsingør) and Roskilde included?

Does my card need to be valid throughout the lenght of my journey?

Q: Does my card need to be valid throughout the lenght of my journey?

A: It is important that your Copenhagen Card is valid throughout the entire journey, whether travelling by bus, train, harbor bus, or metro.

It is your responsibility to make sure that the card is valid and does not expire mid-journey.

Købsflow:

”



DISCOVER

Adult 48 hours

Amount: 2

679,00 DKK

1 adult can bring up to 2 children under the age of 12 years for free – you need to reserve child card for all children between the age of 3-11 years old (free)

Total

1.358,00 DKK

Yes, I would like to share my experience using the Copenhagen Card and give consent for Copenhagen Card to contact me with a questionnaire by e-mail about two weeks after activating my Copenhagen Card. The consent can be withdrawn either by clicking the unsubscribe link in the e-mail or by contacting Copenhagen Card at copenhagencard@woco.dk

By placing your order you agree to our Terms & Conditions, cookie and privacy policies.

* I accept [Terms & Conditions](#) and [Privacy Policy](#).



Terms and Conditions

Activation and usage

COPENHAGEN CARD is activated in the app COPENHAGEN CARD. Once the card is activated the time is counting. It is not possible to pause an activated card.

You must always keep your COPENHAGEN CARD on you and be ready to show it upon request. The COPENHAGEN CARD should always be shown when getting on a bus, whilst on train and bus it should only be shown upon request from a ticket inspector. It is the cardholder's responsibility that the COPENHAGEN CARD is valid throughout their entire journey - a fine may be issued if the card expires while on public transport.

COPENHAGEN CARD – DISCOVER includes:

- Free access to more than 80 museums and attractions.
- Free public transportation with bus, train, harbour bus and metro in the Capital Region (zone 1-99).
- An adult can bring two children (0-11 years old) for free. Children between the ages of 3-11 must have a free COPENHAGEN CARD DISCOVER - KIDS (max. two per adult).
- **COPENHAGEN CARD DISCOVER does NOT give access to the Hop on Hop off-buses.**

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Den 11. juni 2023 skulle klagerne rejse med Metroen retur til Kastrup Lufthavn for at flyve hjem. De havde opfattet oplysningerne om, hvad kortet inkluderede: "Free access to and from the airport" som en mulighed for turister for at komme til og fra lufthavnen uanset, om kortet var udløbet, da det ellers ikke gav mening, hvis man ikke kunne komme retur til lufthavnen efter afsluttet besøg.

De steg derfor om bord på Metroen i forvisningen om at have gyldig rejsehjemmel. Efter Femøren station var der kontrol, hvor de foreviste kortene. Da disse var udløbet og dermed ikke længere var gyldige som rejsehjemmel, blev klagerne hver kl. 07:58 pålagt en kontrolafgift på 750 kr.

Den 12. juni 2023 anmodede klageren om, at Metro Service annullerede kontrolafgifterne og anførte følgende:

"I took the metro to the airport with my wife to fly back to France.

I had bought a CPH card for 3 days for both.

Arriving at the airport station we were controlled by an inspector and presented our CPH cards as it is clearly specified on the website that the CPH card "includes travel to/from the Airport".

To my surprise the inspector refused to take it into account as our cards had expired the day before (10/06/2023 at 11:01) arguing that doing this I could go 10 times to the airport.

But there is absolutely no reason for a tourist to go to the airport except to fly back home. I was controlled at the arrival at the airport and could not go anywhere else.

Nobody will pay an extra day or more on his CPH card just to go to the airport.

I was frankly thinking that producing an expired CPH card was sufficient for taking the metro to the airport for leaving Denmark as it is clearly stipulated in "what is included".

If not included there would be no reason to specify it as a special offer exclusively for the transfer to the airport.

Everybody understands that if the CPH card has expired, there is no more possibility to use it. So mentioning it creates the confusion that the transfer to the airport is included in the CPH card whether it takes place during or after the expiration date.

And that this free transfer is not reserved to the few tourists that are able to afford a CPH card up to the end of their journey in Copenhagen.

So I hope that you will consider that we have been confused by the description of the advantages of the CPH card.

The inspector refused to listen to what I tried to explain quietly and rapidly threatened us to call the police knowing that doing this we would surely have missed our plane. What is a very bad way of ending our journey that had been lovely up to this moment.

I have to add that we have never used our CPH card for transportation in Copenhagen as we had rented bicycles for the week. What makes it funny to get fined for the only time we used it in the transport."

Den følgende dag, den 13. juni 2023 fastholdt Metro Service kontrolafgifterne og begrundede det således:

"You have been issued an inspection fee in the metro, because you presented an expired Copenhagen Card when we were performing ticket inspection on the metro. I am very sorry, but we are unable to accommodate a reduction or cancellation of the inspection fee, as it was correctly issued in accordance with our national travel regulations for public transport, which you can find here: [All travel regulations - DOT \(dinoffentligetransport.dk\)](https://www.dinoffentligetransport.dk)

When you purchase a Copenhagen Card, you have to accept the terms and conditions before you can finalize the payment. Under the terms and conditions, the following requirement is stated:

Activation and usage

COPENHAGEN CARD is activated in the app COPENHAGEN CARD. Once the card is activated the time is counting. It is not possible to pause an activated card.

You must always keep your COPENHAGEN CARD on you and be ready to show it upon request. The COPENHAGEN CARD should always be shown when getting on a bus, whilst on train and bus it should only be shown upon request from a ticket inspector. It is the cardholder's responsibility that the COPENHAGEN CARD is valid throughout their entire journey - a fine may be issued if the card expires while on public transport.

Moreover, you can find information about the validity of the card and the use of the Copenhagen Card in public transportation on the Copenhagen Card website:

[Transport \(copenhagencard.com\)](https://www.copenhagencard.com)

Under the 'F.A.Q' section on the above mentioned website, it is stated that the card must be valid throughout the entire journey, and that it is your responsibility to make sure the card is valid:

F.A.Q.

Is transport to/from the Airport included?

Is transport to Malmö (Sweden) included?

Is transport to Elsinore (Helsingør) and Roskilde included?

Does my card need to be valid throughout the length of my journey?

Do I need to scan, tap or present my card before boarding the public transport?

Q: Does my card need to be valid throughout the length of my journey?

A: It is important that your Copenhagen Card is valid throughout the entire journey, whether travelling by bus, train, harbour bus, or metro.

It is your responsibility to make sure that the card is valid and does not expire mid-journey.

Like all other means of public transportation in the greater Copenhagen area, the Copenhagen Metro has a self-service system, where the passenger is responsible for being in possession of a valid ticket before boarding the metro. Furthermore, there are signs placed at all entry doors reminding passengers of making sure they have a valid ticket in their possession. The 'Discover' Copenhagen Card is valid for an unlimited number of trips within the validity period, and they are valid from the time of purchase.

Metro tickets can be purchased on all stations in our ticket machines. Of course, you are always welcome to contact authorized personnel on the metro station, or use the yellow call

points on all stations to contact our control room, if you require assistance or directions. We are staffed 24 hours a day, and are able to assist you over the call point, or send a steward to the station if required.

Considering the above, you will be charged the full amount of the inspection fee, which we request that you pay as soon as possible.”

På baggrund af svaret skrev klagerne den 18. juni 2023 på ny til Metro Service:

“Reading carefully the FAQ Is transport to/from the Airport included? on the CPH Discover card website:

“The CPH Discover card gives UNLIMITED access to the airport”.

This means with no doubt, unless you have a different version of UNLIMITED, that as soon as I have purchased the CPH Discover card, I get free access to the airport, whether the card is activated or not, whether it is expired or not.

The UNLIMITED access to the airport is clearly attached to the purchase of the CPH Discover card even if it is expired.

As a consequence, when showing our card to the controller, we were totally in the right to get free access. Otherwise it should have been specified in the FAQ that the access was NOT unlimited but limited to a card still active or not expired, which is clearly not the case here.”

Samme dag, den 19. juni 2023 fastholdt Metro Service på ny kontrolafgifterne og skrev:

“We have had another look at your case, but must maintain our claim, as we consider the inspection fee to be issued correctly.

We must refer to our previous reply, where it is emphasized that you accepted the terms and conditions for the Copenhagen Card when you purchased it. Under these terms and conditions, the following requirement can be found:

Activation and usage

COPENHAGEN CARD is activated in the app COPENHAGEN CARD. Once the card is activated the time is counting. It is not possible to pause an activated card.

You must always keep your COPENHAGEN CARD on you and be ready to show it upon request. The COPENHAGEN CARD should always be shown when getting on a bus, whilst on train and bus it should only be shown upon request from a ticket inspector. It is the cardholder's responsibility that the COPENHAGEN CARD is valid throughout their entire journey - a fine may be issued if the card expires while on public transport.

You have accepted the term that a fine may be issued if you present an expired card for ticketing while on public transport. As this is the case for this specific fee, we will be maintaining the fare evasion ticket.

If you wish to inquire or complain about the F.A.Q. for Copenhagen Card, you must do so by inquiring to their own customer service department. You can find their contact information here: [Customer Service \(copenhagencard.com\)](http://Customer Service (copenhagencard.com))

Our decision is to maintain the inspection fee, as we deem it to be issued correctly. You can contest our decision at The Appeal Board for Bus, Train and Metro at www.abtm.dk. Information, protocols and previous rulings can also be found on the website.”

Derefter indbragte klagerne sagen for ankenævnet.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

3 medlemmer (Lone Bach Nielsen, Helle Berg Johansen og Dorte Lundqvist Bang) udtaler:

Som passager i den kollektive transport i Danmark har man ansvaret for at sikre sig gyldig rejsehjemmel. Klagerens Copenhagen Card udløb den 10. juni kl. 10:01 og kunne dermed ikke længere anvendes efter dette tidspunkt. Dette fremgår af handelsbetingelserne, som kunden accepterer i forbindelse med købet af kortet, og som er gengivet ovenfor på side 7, og det fremgik endvidere af selve kortet, hvorpå der stod ”Expired”.

Der var efter vores opfattelse derfor ikke noget belæg for, at klagerne, der selv havde valgt et 48-timers kort, berettiget kunne regne med, at de kunne rejse på en udløbet rejsehjemmel.

Hertil kommer, at der i FAQ på forsiden af hjemmesiden, er et spørgsmål, om kortet behøver at være gyldigt på hele rejsen, hvortil det oplyses, at kunden er ansvarlig for at kortet ikke udløber under rejsen med bus, tog eller Metro. Og videre at når Discover-kortet er gyldigt – ”valid”, er der adgang til at rejse til lufthavnen, i modsætning til HOP-kortet.

Uanset at klagerne forstod formuleringen på hjemmesiden således, at kortet *i sig selv* gav adgang til rejse til og fra lufthavnen, finder ankenævnet, at de ikke uden at undersøge dette nærmere kunne antage, at det forholdt sig sådan.

Herefter blev kontrolafgifterne pålagt med rette.

Vi anbefaler dog, at Metro Service ved henvendelse til Wonderful Copenhagen sørger for, at det formuleres på en tydeligere måde, at kortet skal være gyldigt også på tidspunktet for returrejsen til lufthavnen.

2 medlemmer (Torben Steenberg og Gry Midttun) udtaler:

Når passager og særligt turister, der må antages at være hovedmålgruppen for Copenhagen Card, selv bærer ansvaret for at sikre sig gyldig rejsehjemmel, finder vi, at der skal være tydelig information og vejledning om kortets anvendelse.

I forbindelse med kundens valg af kort vises forskellen på de to kort ved markering af kortenes gyldighed. Her er Discover-kortet fremhævet som gyldigt til og fra lufthavnen:

COPENHAGEN CITY CARD What's included? Attractions Transport How it works Prices FAQ DKK BUY NOW

What's included?

Which card should I choose?

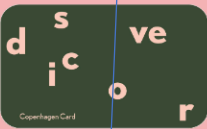

See which benefits are included with each card. No matter if you choose DISCOVER or HOP you can always bring two children for free!*

Get DISCOVER from 459 DKK // EUR 62

Get HOP from 475 DKK // EUR 64

*Note that the two free kids cards must be added when purchasing an adult card.

BUY NOW! →

	 24, 48, 72, 96 & 120 hours From DKK 459 // EUR 62	 24, 48 & 72 hours From DKK 475 // EUR 64
Free entrance at attractions	80+ attractions	40+ attractions
Two kids under the age of 12 for free	●	●
Unlimited public transport in the greater Copenhagen Area	●	●
Hop-On-Hop-Off buses	●	●
Airport transport	●	●

Når man scroller ned på forsiden, oplyses det, at Discover har "free transport":

. This includes travel to/from the Airport.

Og videre fremhæves transport til og fra lufthavnen som et særskilt gyldighedspunkt ud over ubegrænset transport i zonerne 1-99:

- ✓ Free access to 80+ attractions
- ✓ Unlimited public transportation (in zone 1 -99)
- ✓ Free transportation to and from the Airport
- ✓ Experience attractions in the city and the entire Capital Region

På baggrund af disse formuleringer og fremhævninger er det vores opfattelse, at klagerne var berettiget til at antage, at så snart de havde købt et Discover-kort, havde de gratis transfer til og fra lufthavnen, idet køb af kortet *i sig selv* måtte give adgang hertil.

Uanset at Metro Service ikke har indflydelse på, hvorledes formuleringen er på Copenhagen Cards hjemmeside, lægger vi til grund, at Metro Service via den underliggende aftale indirekte har fået betaling for klagernes rejse med Metroen, selvom rejsen fandt sted efter kortets udløb, den efterfølgende morgen. Vi bemærker herved, at der er tale om udenlandske turister, der udelukkende foretager én rejse i hver retning til og fra lufthavnen i forbindelse med deres besøg i København.

Efter en samlet bedømmelse af den konkrete sags omstændigheder finder vi derfor, at Metro Service skal frafalde kontrolafgifterne med eventuel regres til Wonderful Copenhagen, der er aftalepart vedrørende de kontraktuelle forhold om brugen af Copenhagen Card.

RETSGRUNDLAG:

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

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

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

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

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

Det anføres således bl.a., at passagerer, der ikke på forlangende viser gyldig rejsehjemmel, skal betale en kontrolafgift på 750 kr. for voksne. Som passager uden gyldig rejsehjemmel betragtes også passager, der benytter kort med begrænset tidsgyldighed uden for kortets gyldighedstid, eller hvis andre rejsebegrænsninger ikke overholdes (f.eks. for hvornår cykler må medtages, eller om der er betalt metrotillæg).

PARTERNES ARGUMENTER OVER FOR ANKENÆVNET:

Klageren anfører følgende:

”I took the metro to the airport with my wife to fly back to France on the 11th June. We had bought each a CPH Discover card for 48 hours. Our CPH Discover cards are 00423512xxxx and 00423685xxxx.

Arriving at the airport station we were controlled by an inspector and presented our CPH cards as it is clearly specified on the website that the CPH card "includes UNLIMITED travel to/from the Airport".

To my surprise the inspector refused to take it into account as our cards had expired the day before (10/06/2023 at 11:01) arguing that doing this I could go 10 times to the airport.

But there is absolutely no reason for a tourist to go to the airport except for flying back home. I was controlled at the arrival at the airport and could not go anywhere else.

Nobody will pay an extra day or more on his CPH card just to go to the airport.

I was frankly thinking that producing an expired CPH card was sufficient for taking the metro to the airport for leaving Denmark as it is clearly stipulated in "what is included".

Everybody understands that if the CPH card has expired, there is no more possibility to use it. So mentioning it creates the confusion that the transfer to the airport is a special destination for which special conditions apply namely that it is included in the CPH card whether it takes place during or after the expiration date.

If not included there would be no reason to specify it as a special offer dedicated to the transfer to the airport.

And that this free transfer is not reserved to the few tourists that are able to afford a CPH card up to the end of their journey in Copenhagen.

The CPH card is designed to make the city attractive for the tourists and the total absence of taking into account that a tourist may have been confused by the interpretation of the UNLIMITED transfer to the airport does not contribute to the attractiveness of the city and the sense of hospitality of Danish people.

So I hope that you will consider that we have been confused by the description of the advantages of the CPH Discover card.

Besides the inspector refused just to listen to what I tried to explain quietly and rapidly threatened us to call the police knowing that doing this we would surely have missed our plane. What is a very bad way of ending our journey that had been lovely up to this moment.

I have to add that we have never used our CPH card for transportation in Copenhagen as we had rented bicycles for the week. What makes it badly funny to get fined for the only time we used it in the transport.

On top of that reading carefully the FAQ: Is transport to/from the Airport included? on the CPH Discover card website: "The CPH Discover card gives UNLIMITED access to the airport".

This means with no doubt, unless you have a different interpretation of UNLIMITED, that as soon as I purchase the CPH Discover card, I get free access to the airport, whether the card is activated or not, whether it is expired or not.

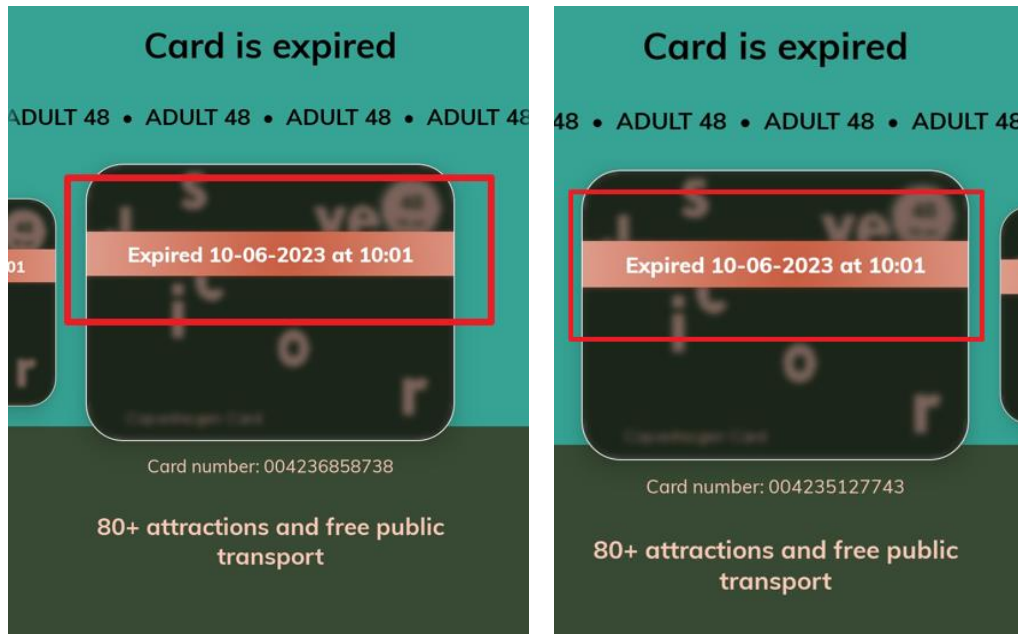
The UNLIMITED access to the airport is clearly attached to the purchase of the CPH Discover card even if it is expired.

As a consequence, when showing our card to the controller, we were totally in the right to get free access.

Otherwise it should have been specified in the FAQ that the access was NOT unlimited but limited to a card still active or not expired, which is clearly not the case here. Hoping you will understand our position and strong disappointment."

Metro Service anfører følgende:

“The complainant and his wife received an inspection fee each June 11th, 2023, at 07:58 as they showed 2 expired Copenhagen Card when met by the inspector in the metro. The cards expired the day before - Saturday June 10th, 2023, at 10:01.



First, we must state that the metro runs, like all other public transport in the Greater Copenhagen area, according to a self-service system, where it is the passenger's own responsibility before boarding, to secure a valid ticket or card, which can be presented on request.

In cases where a valid travel document cannot be presented on request, it must be accepted to pay an inspection fee, which for an adult amounts to DKK 750. This basic rule is a prerequisite for the self-service system that applies to travel by public transport in the Greater Copenhagen area.

We must refer to the [Joint National Travel Regulations](#) where the following rules - among others - are stated:

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. On receipt of a travel document, the customer must make sure that the single ticket is in accordance with requirements.

2.7. Inspection fee

2.7.1. Inspection of travel documents

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

Information about having valid travel document (card or ticket) and the consequence if the customer is not in possession hereof is also stated at information boards which are to be found several places at every metro stations, and on the platform screen doors there are posters telling the customers to remember to be in possession of a valid ticket or card, and the consequences if not having any valid travel documents.

It is correct that a Copenhagen Card give access to free transport with bus, trans and metro, but of course only while it is valid.

At [Copenhagen Card's homepage](#), under transport, it is stated:

Q:

Does my card need to be valid throughout the length of my journey?

A:

It is important that your Copenhagen Card is valid throughout the entire journey, whether travelling by bus, train, harbor bus, or metro.

It is your responsibility to make sure that the card is valid and does not expire mid-journey.

... and under FAQ:

Transport

Is transport to/from the Airport included?	▼
Is transport to Malmö (Sweden) included?	▼
Is transport to Elsinore (Helsingør) and Roskilde included?	▼
Does my card need to be valid throughout the length of my journey?	▲
<p>It is important that your Copenhagen Card is valid throughout the entire journey, whether travelling by bus, train, harbor bus, or metro.</p> <p>It is your responsibility to make sure that the card is valid and does not expire mid-journey.</p>	
Do I need to scan, tap or present my card before boarding the public transport?	▼

... and when buying a Copenhagen Card [terms and condition](#) is accepted. Here it is - among others - stated:

You must always keep your COPENHAGEN CARD on you and be ready to show it upon request. The COPENHAGEN CARD should always be shown when getting on a bus, whilst on train and bus it should only be shown upon request from a ticket inspector. **It is the cardholder's responsibility that the COPENHAGEN CARD is valid throughout their entire journey - a fine may be issued if the card expires while on public transport.**

In case the customer wants to use metro or trains, after the card has expired, a ticket must be bought either by using the DOT or DSB app or buying a single trip ticket in the ticket vending machine at the station. When using buses, the ticket can be bought from the driver when entering the buss.

Our inspectors are instructed to issue inspection fee(s) to all passengers who cannot present a valid travel document (card or ticket) when ask for.

The inspectors are not allowed to discuss or assess whether or not there might be circumstances that could be of such kind, that an inspection fee should not be issued. The inspectors must issue a inspection fee to all passengers who cannot present a valid ticket or card upon inspection. The customer can subsequently contact Customer Service if they find the inspection fee has been issued incorrectly. Al case processing is carried out after contacting Customer Service in writing.

In case the complainant has suggestion on other information or corrective phrases regarding the Copenhagen Card homepage, he or she are most welcome to [contact Copenhagen Card](#) which can be done either via Facebook, chat or mail.

We are not a part of the Copenhagen Card (although the card gives the customers wright to use public transportation) and as such, we have no influence on any corrections or messages written on their homepage.

It is of course a very unfortunate situation the complainant and his wife has found themself in, ,but as we want to treat all customers equally, we do not relate to what might have been the reason for lack of a valid

travel document or whether it was a deliberate act or not, we only relate to the fact, that the customer must have a valid travel document which can be presented to the inspector upon inspection when using the metro.

There are no graduated rates depending on the reason for the lack of valid travel documents, or reason for not being in possession of a valid ticket or card.

Due to the above we find the inspection fees correctly issued and following maintained and this is why we uphold our claim of 2 x 750 DKK.

The Appeal Board have made a decision in a similar case regarding expired Copenhagen Card (Complaint case 2016-0249) - this decision was in favour of the respondent company.

The Appeal Board stated, among others, that they had emphasized that it was clearly stated that the cards were 48-hour card, as well as that these had expired, and the text appeared in English."

Hertil har klageren gjort gældende:

- " The Metro Service refers to general rules of transport of which, if they legally apply, the tourist has absolutely no idea.

Coming for a one week visit any tourist does not spend his time reading word by word the transport rules. He just pays attention to the advantages that can be offered to him for visiting the town and the Copenhagen Card is obviously one of them. Because it has been designed to increase the attractivity of the city.

- So when a tourist reads in the advantages offered by the Copenhagen card that it offers "Unlimited Access to the airport", he just thinks "Oh what a wonderful idea" and just does not spend hours to verify if this is compatible with the general rules of the transport company.

And the tourist does not have to do this because he assumes that an authority has already done the job and checked that all transportation rules are simply in full coincidence.

- The Metro service cannot just hide behind his small finger arguing that his own rules are above all others neglecting the fact that other rules have been published aiming directly to the population of the tourists.
- And this is furthermore the responsibility of Metro Service to check the compatibility of their rules moreless hidden in thousands of lines to be read before taking the metro, when they recognize that a similar case has been treated by the Appeal Board in 2016. What has Metro Service done since that date when they were warned that there was a contradiction between their general rules and the information given in a much more accessible manner to the tourists via the Copenhagen card site.

They probably have plenty of lawyers who are able to detail all the general conditions of transport as they have done in their above statements but have not a minute to check if there is a possibility of confusion for a tourist buying his Copenhagen card although they have been warned since 2016 that it could happen!

- It is so easy to say "we have no influence to the messages given by the Copenhagen card" but if you are a responsible company you have at least to react and come back to the Copenhagen card

authority pointing at the contradiction and asking for a clarification and a confirmation or a modification of the Copenhagen card homepage.

Any Iso 9001 quality certified company would do so. The total absence of reaction since 2016 would be considered in any company as a major non-conformity.

- And if the Appeal board decides to give right to the Metro service in the name of a 100% coherence, he will just encourage the lack of reactivity of Metro service that prefers to distribute fines instead of being fully involved in the clarification of the messages that are given to the tourists.

I know that I have probably zero chance of winning against the Metro service and their dozens of lawyers. This is the battle between the terracotta pot against the tin pot as depicted by the french poet La Fontaine in his famous fable.

But when I decided to ask for the arbitration of the Appeal board, it was because I was convinced that this independent authority could understand that I did not try to take the transport without paying but was simply and frankly taking profit of an advantage offered by the Copenhagen card for the transport to the airport in a non ambiguous way ("Unlimited access).

A very confused couple of tourists."

På ankenævnets vegne



Lone Bach Nielsen
Nævnensformand