

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer:	24-0425
Klageren:	XX Luzern, Schweiz
Indklagede: CVR-nummer:	Metroselskabet I/S v/Metro Service A/S 21 26 38 34
Klagen vedrører:	Kontrolafgift på 750 kr. grundet rejse på udløbet City Pass i DOT-appen
Parternes krav:	Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at han lider af en kognitiv funktionsnedsættelse som medførte, at han ikke var opmærksom på, at hans City Pass var udløbet, da han rejste med Metroen Indklagede fastholder kontrolafgiften
Ankenævnets sammensætning:	Nævnensformand, dommer Lone Bach Nielsen Dorthe Thorup Nikola Kiørboe Helle Berg Johansen Dorte Lundqvist Bang

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

AFGØRELSE:

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

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

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

- oOo -

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

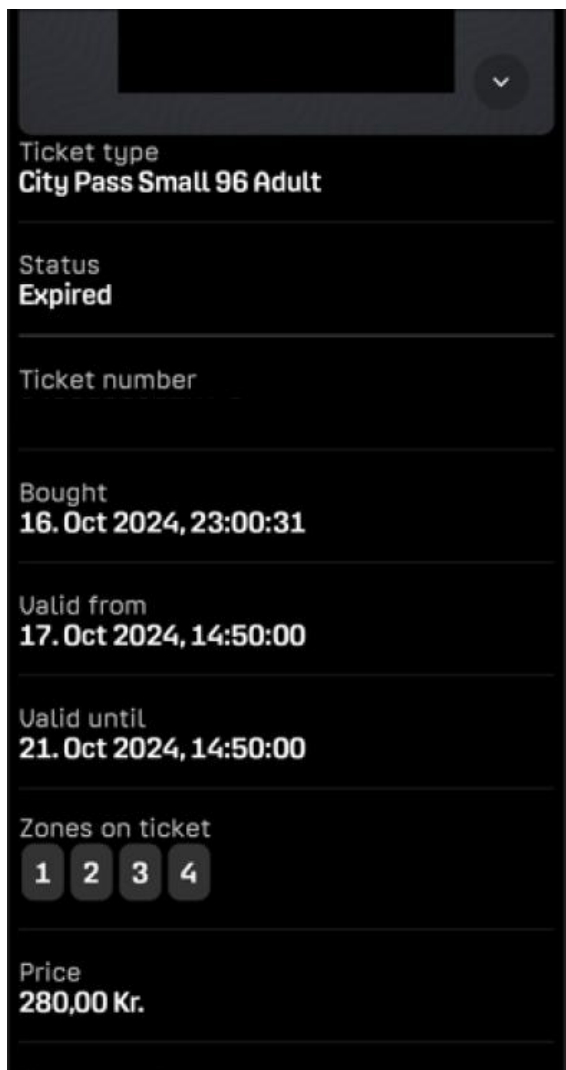
Klageren henvises til at søge yderligere oplysning om eventuel bistand i forbindelse med sagsanlæg fx på www.domstol.dk, www.advokatnoeglen.dk og /eller eget forsikringssselskab om eventuel forsikringsretshjælp.

SAGENS OMSTÆNDIGHEDER:

Klageren, som er bosiddende i Schweiz, var turist i København og skulle den 21. oktober 2024 rejse med Metroen fra centrum til Vestamager kl. 16:20.

Klageren havde den 16. oktober 2024 købt en mobilbillet af typen "City Pass Small 96 timer" med gyldighed fra den 17. oktober 2024 kl. 14:50 til 21. oktober 2025 kl. 14:50.

Mobilbilletten så således ud på klagerens telefon:



Efter Islands Brygge st. var der kontrol af klagerens rejsehjemmel, og da han kl. 16:22 foreviste sit City Pass, der var udløbet kl. 14:50, blev han pålagt en kontrolafgift på 750 kr.

Uddrag fra den elektroniske kontrolafgift:

```
<FeeDate>2024-10-21T16:22:09.8000000</FeeDate>
<Line>M1/M2</Line>
<StationFrom>Islands Brygge</StationFrom>
<StationTo>Vestamager</StationTo>
<Adult>true</Adult>
<Child>false</Child>
<NumberOfBikes>0</NumberOfBikes>
<NumberOfDogs>0</NumberOfDogs>
<Cause>Udløbet</Cause>
<UnequalZones>false</UnequalZones>
<PaidCash>false</PaidCash>
<Amount>750</Amount>
<Cancelled>false</Cancelled>
<ChangedComment/>
<PaymentReceivedByUser/>
<Note/>
<TicketType>Citypass</TicketType>
<SerialNumber/>
<SingleUseTicketStartZone xmlns:xsi="http://www.w3.org/2001/XMLSchema-instance" xsi:nil="true"/>
<SingleUseTicketNumberOfZones xmlns:xsi="http://www.w3.org/2001/XMLSchema-instance" xsi:nil="true"/>
<RebateCardNumberOfValidations xmlns:xsi="http://www.w3.org/2001/XMLSchema-instance" xsi:nil="true"/>
<RebateCardType/>
<RebateCardIsChild>false</RebateCardIsChild>
<PeriodCardZones/>
<PeriodCardType/>
<OtherText>italiensk pax uden gyldig billet </OtherText>
```

Den samme dag anmodede klageren Metro Service om at annullere kontrolafgiften med den begrundelse, at han lider af den kognitive funktionsnedsættelse ADD som medførte, at han ikke var opmærksom på, at hans City Pass var udløbet, da han rejste med Metroen. Ifølge klageren var han af den opfattelse, at billetten var gyldig til kl. 04:50 PM (16:50), og da han steg på Metroen kl. 04:20 PM (16:20), rejste han inden for det, som han troede var gyldighedsperioden.

I sin klage til Metro Service vedlagde han en udtalelse fra en psykiater i Schweiz som dokumentation for sin funktionsnedsættelse.

Metro Service fastholdt kontrolafgiften med den begrundelse, at klagerens City Pass var udløbet 1 time og 30 min. før billetkontrollen, samt at Metro Service, for at stille alle kunder lige i sager vedrørende kontrolafgifter, ikke tager stilling til personlige forhold såsom en kognitiv funktionsnedsættelse.

Derpå indbragte klageren sagen for ankenævnet.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Klageren havde købt et City Pass i DOT-appen, hvor det fremgik, at mobilbilletten var gyldig fra den 17. oktober 2024 kl. 14:50 til 21. oktober 2024 kl. 14:50.

Det er ankenævnets opfattelse, at det fremgik tilstrækkeligt tydeligt både i købsflow'et og af selve Billetten på engelsk, at den var gyldig indtil 21. oktober 2024 kl. 14:50.

Kontrolafgiften blev udstedt den 21. oktober 2024 kl. 16:22, hvorfor ankenævnet lægger til grund, at billetten var udløbet på det tidspunkt, hvor klageren steg ombord på Metroen. Herefter blev kontrolafgiften pålagt med rette.

Efter ankenævnets opfattelse kan klagerens oplysninger om hans kognitive funktionsnedsættelse ikke i sig selv føre til, at han skal fritages for betaling af kontrolafgiften.

Ankenævnet bemærker, at pligten til at betale kontrolafgift ikke er betinget af, om passageren bevidst har forsøgt at unddrage sig at betale for rejsen.

Herefter finder ankenævnet, at der ikke har foreligget sådanne særlige omstændigheder, at klageren kan fritages for kontrolafgiften

RETSGRUNDLAG:

Ifølge § 2, stk. 1, jf. § 3 nr. 3 i lovbekendtgørelse 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 trafikskelskaber og jernbaneloven fremgår det, at jernbanelovens § 14, stk. 1, affattes således:

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

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

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

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

Det anføres således bl.a., at passagerer, der ikke på forlangende viser gyldig rejsehjemmel, herunder er korrekt checket ind på Rejsekort til deres rejse, skal betale en kontrolafgift på 750 kr. for voksne.

Det 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.

PARTERNES ARGUMENTER OVER FOR ANKENÆVNET:

Klageren anfører følgende:

”As a first-time tourist visiting Denmark and a neurodivergent person with Attention Deficit Disorder (ADD), I sent the following message to the Metro company expressing my deep dismay that my cognitive problem had caused a public embarrassment. I acknowledged my mistake of being confused about the expiry time of my 96-hour City Pass and confirmed that I am available to pay for the amount of the leg travelled. The company replied that they cannot consider my disability and that they have to apply the same rule to everyone equally. I understand that this is the case for Copenhageners, who use the service frequently and

know it inside out. In my case, as a tourist with a cognitive disability, I feel discriminated against and condemned to pay a fine for my neurodivergence, which I would never expect from a country as advanced in human rights and inclusion as Denmark. This complaint for me is no longer about paying or not paying a fine, but about avoiding being treated like a criminal and reminding and pointing out to them that inclusion of neurodivergent people is also about knowing how to value the fact that they take responsibility for possible involuntary non-compliance without punishing them as if they had voluntarily wanted to commit an illegal act. When I travel, my cognition does not function in the same way in non-daily situations, but in other situations I have been treated with more respect and humanity by presenting my psychiatric certificate and I have been fairly charged what I should have paid as a passenger and not a fine.

"I don't live in Denmark and came just for a 4 days visit. I bought a City Pass 96 adult valid from October 17th (14:50) until October 21th (14:50). I knew I had to buy another ticket to go to the airport in the afternoon, but when I first went from Downtown to my host's house (Vestamager station) I was sure my city pass was still valid. I was wrong because it was 4:20 pm (16:20) and not 14:50.

I had no intention of not paying for the public transportation in Copenhagen and that's why I bought a long lasting city pass. Unfortunately I am a person with ADD (Attention Deficit Disorder), a cognitive disorder, so these kinds of confusions are part of my neurologic condition. Attached you will find an ADD Certificate issued only one month ago by my psychiatrist in Switzerland.

If you need any other proof of my disability, Dr. XX is available to confirm my diagnosis.

I'm already at the airport feeling very bad and ashamed for this situation. I paid correctly for my ticket from vestamager to the airport.

I hope you can understand and accept the documentation I'm sending to you and cancel the high fine issued by your agent. I had the intention to explain my condition to him, but it was a very public context and disclosing my disability in a public context would have been very violent for me. I'm available and willing to pay the amount of the 2 zone ticket I forgot to pay, which is absolutely fair, since your company doesn't have the obligation to assume the costs of my neurological condition."

I understand the Metro Service's argument. However, my complaint is not just about the fee. I made this complaint because highly developed and theoretically inclusive countries like Denmark, which are often ranked highly for human rights, still lack policies that ensure fair treatment for issues that, in the case of someone with ADHD, dementia, or other neurological conditions, are not an intentional infringement, but a common symptom of their neurological diversity.

If your committee lacks the foresight to accommodate individuals who respectfully and promptly submit their excuses along with supporting documentation for their neurodiversity or illness, then your denial of my request will serve as clear evidence that individuals with scientifically documented conditions are being unfairly punished and penalized for simply being who they are. There is no valid argument, even from an economic standpoint, that justifies a discriminatory, punitive, or exclusionary approach. The number of cases is likely very small, making such treatment unjustifiable. This practice is not much different from the differential treatment historically enacted by dictatorial, racist, and oppressive regimes toward individuals from specific social groups, whether based on ethnicity, nationality, sexual orientation, or disability. Exploiting these groups for financial gain through fines is both undignified and unscrupulous.

As a person with ADHD, it is more important for me to receive acknowledgement of this unjust treatment than to recover the money I had to spend during this process or to avoid paying a potential fine. If your committee responds negatively and collection actions follow, it will serve as proof of a discriminatory policy that, if it exists, should be publicly denounced.

Indklagede anfører følgende:

" The complainant was issued an inspection fee October 21st, 2024, at 16:22. The complainant was ticketed after the metro has left Islands Brygge station and presented a CityPass Small 96 hour which had expired.

The metro operates – as all other means of public transport in the Capital Region (and in the rest of Denmark in general) – according to a self – service system, where it is the passenger's own responsibility *before boarding* to secure a valid ticket or card for the entire journey, as well as to be able to present the valid ticket or card on request. When using public transport, rules and guidelines apply, which appear from the [Joint National Travel Regulations](#), which are available on the transport companies' websites. In cases where a valid ticket or card cannot be presented on request, it must be accepted to pay an inspection fee, which for an adult amount to DKK 750.

The complainant had bought a City Pass Small 96 hour valid from October 17th, 2024, at 14:50:00 until October 21st, 2024, at 14:50:00.

Ordre- og billetdetaljer

Se billetdetaljer samt kundeinformation på købstidspunktet. Refusion, gensendelse af kvittering samt annullering af den aktuelle billet er også muligt.

Ordreinformation

Billetinformati

Billetter tilknyttet ordren

Status	Navn	Passenger	Pris
● betalt	City Pass Small 96 timer	Voksen	280,00 kr.

Orderinformation

KØBSDATO:

16 Okt 2024 - 23:00:31

DOT ORDRENUMMER:

BETALINGSMETODE:

Google Pay

REEPAY TRANSAKTIONSNUMMER:

OVERFØRT:

Ordre ikke overført

ORDRE PRIS:

280,00 kr.

REFUNDERET BELØB:

0,00 kr.

TILBAGEVÆRENDE BELØB:

280,00 kr.

REFUSIONS DATO:

Ikke tilgængelig

Kundeinformation på købstidspunktet

KUNDEID:

TELEFONNUMMER:

E-MAIL:

FORNAVN:

EFTERNAVN:

FØDSELS DATO:

MODEL:

SM-G991B

OS VERSION:

Android 14

APP VERSION:

5.9.4

Ordre- og billetdetaljer

Se billetdetaljer samt kundeinformation på købstidspunktet. Refusion, gensendelse af kvittering samt annullering af den aktuelle billet er også muligt.

Ordreinformation

Billetinformati

Billet information

BILLETTYPE:
City Pass Small 96 timer

STAMKORTNUMMER:
IKKE OPLYST

BILLETNUMMER:
[REDACTED]

VARENUMMER:
4030

BILLETSTATUS:
Udløbet

BILLET GYLDIG FRA:
17 Okt 2024 - 14:50:00

BILLET GYLDIG TIL:
21 Okt 2024 - 14:50:00

PRIS:
280,00 kr.

PASSAGERTYPE:
Voksen

STARTZONE:
IKKE OPLYST

SLUTZONE:
IKKE OPLYST

ANTAL GYLDIGE ZONER:
4

GYLDIGE ZONER:
1001, 1002, 1003, 1004

SØGEMETODE FRA:
IKKE OPLYST

SØGEMETODE TIL:
IKKE OPLYST

Billethistorik

Status	Handling	Tidspunkt
Gennemført	Ordre modtaget	16 Okt 2024 - 23:00:03
Gennemført	Betaling gennemført	16 Okt 2024 - 23:00:31
Gennemført	Download af billet bekræftet	16 Okt 2024 - 23:00:32
Gennemført	Download af billet bekræftet	16 Okt 2024 - 23:00:32
Gennemført	Billet åbnet	16 Okt 2024 - 23:00:32

Translation:

- BILLETTYPE:
City Pass Small 96 timer

Ticket type
- BILLET GYLDIG FRA:
17 Okt 2024 - 14:50:00

Ticket valid from
- BILLET GYLDIG TIL:
21 Okt 2024 - 14:50:00

Ticket valid until

Information about the City Pass had expired was clearly stated:



According to the Joint National Travel Regulations following is stated in section 2.4.:

2.4. Use 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.

And further under section 2.7.1.

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.

And at all metro stations information boards have been set up and from which it appears that the customers must have a valid ticket before boarding the metro otherwise it must be accepted that an inspection fee is issued:

Rejseinformation

Travel information



Metroen kører alle dage og nætter

The Metro runs 24/7

Københavns Metro er designet til hyppige afgange for at minimere ventetid og gøre køreplaner overflødige. Metroen kører dag og nat, alle ugens dage. Du kan se, om der er ændringer i driften, enten planlagte driftsændringer eller pludselige driftsforstyrrelser, på www.m.dk.

Du kan altid planlægge din rejse med Metroen i Rejseplanens app eller på www.rejseplanen.dk

The Copenhagen Metro is designed to depart frequently in order to minimise waiting times and remove the need for timetables. The Metro runs day and night, seven days a week. Check www.m.dk for information on any changes in operations, either planned operational changes or sudden disruptions.

You can always plan your Metro trip in the Rejseplanen (Journey Planner) app or at www.journeyplanner.dk.



Hav billetten klar

Have your ticket ready

Når du rejser med Metroen, skal du altid have gyldigt kort eller billet klar, inden du står på – du kan ikke købe billetter i metrotoget.

Når du køber billet til Metroen, er billetens gyldighedsperiode angivet på billetten. Du kan finde zonekortet på billetautomaterne på stationen, hvor du kan se, om din billet dækker zonerne på din rejse.

Hvis du rejser uden billet, vil du ved kontrol få en afgift. Metroens stewards kan tjekke din billet i toget samt på stationen, efter du har forladt toget.

På visse billetter og kort skal du betale et tillæg for at rejse med Metroen (f.eks. på Rejsekort eller pendlerkort). Du er selv ansvarlig for, at du har købt den rigtige billet, der giver adgang til rejser med Metroen. Læs mere om billetter, tillæg til Metroen og kontrolafgift på www.m.dk.

When you travel by Metro, you must always have a valid card or ticket ready before you board the Metro – tickets are not sold on the Metro.

When you buy a ticket for the Metro, the validity of your Metro ticket will be indicated on the ticket. You can find the zone map on the ticket vending machine at the station. Here you can see whether your ticket covers the zones you need for your trip.

If you travel without a valid ticket, you will be charged an inspection fee. Metro stewards can check your ticket on the Metro and at the station after you exit the Metro.

For certain tickets and passes, you have to pay a supplement for travel by Metro (e.g. for a Rejsekort or commuter card). You are responsible for making sure that you have purchased the correct ticket that provides access to travel on the Metro. Read more about tickets, the supplement for travel by Metro, and inspection fees at www.m.dk.

Velkommen i Metroen

Welcome to the Metro

For at give den bedst mulige rejseoplevelse for alle kunder i Metroen, bedes du overholde følgende ordensregler.

To provide the best possible travel experience for all passengers, you are required to abide to the following regulations.



Du kan benytte de gule kontaktpunkter til generelle henvendelser til Metroens kontrolrum ved at trykke på den grønne knap, INFO. Ved akut fare skal du trykke på den røde knap, ALARM.

Inquiries to the Metro control room may be made from the yellow intercoms by pressing the green button, INFO. In case of emergency, press the red button, ALARM.



Metrostationer og metrotog er kameraovervåget af hensyn til de rejsendes sikkerhed og tryghed.

For passenger safety and security, Metro stations and trains are under video surveillance.



Rejser med Metroen kræver gyldigt kort eller billet inden påstigning. Der findes Rejekort- og billetautomater på alle stationer. Billetkontrol kan ske både under rejsen, ved udstigning og på stationen efter endt rejse. Har du ikke gyldigt kort eller billet udstedes kontrolafgift efter gældende regler.

Travelling on the Metro requires a valid ticket. Tickets are available from ticket vending machines at the stations. Ticket control may be performed during the journey, when leaving the train and at the station after the journey has ended. Passengers boarding a train without a valid ticket will be liable to pay a fare evasion ticket.



Der er begrænset mulighed for at medbringe cykel i Metroen. Du kan se regler for cykelmedtagning på dinoffentligetransport.dk. Henstilling af cykler på stationspladsen uden for markerede områder og stationer er forbudt.

Please find the rules for bringing bicycles with you on the train at publictransport.dk. Parking of bicycles outside designated parking areas is prohibited.



Hunde kan medtages, hvis de er i snor og ikke er til gene for andre passagerer. Der må dog kun medtages én hund i snor pr. person. Din hund rejser på børnebillet. Mindre dyr, herunder små hunde, kan du medbringe gratis, hvis de transporteres i en taske, bur eller lignende.

Dogs are allowed on trains, provided they are kept on a leash and

It is of course a very unfortunate situation, the complainant has got himself into by not having been aware that his ticket had expired and he therefore should have acquired a new ticket, and although we understand what the complainant stated, we must at the same time state that the requirement for a valid travel

permit is the same for everyone, regardless of age and income, whether you are a resident or a tourist and regardless of social habitus or possible diagnosis.

Based on the above, we must therefore maintain that the complainant has traveled without a valid ticket, as also established in the first hearing of the case, and we therefore maintain unchanged our demand for payment of DKK 750, as the inspection fee has been correctly issued, cf. applicable travel regulations for public transport.

It can be stated that in previous cases where complainants have referred to diagnoses, including cognitive challenges, the Board of Appeal has stated that, notwithstanding this, it is always the passenger's own responsibility to secure a valid ticket or card, which can be shown on request. The decisions have thus come out in favor of the respondent transport company."

På ankenævnets vegne



Lone Bach Nielsen
Nævnensformand