

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer:	24-0456
Klageren:	XX Stockholm, Sverige
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 billet købt i billetautomat
Parternes krav:	Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at hun ikke var klar over, at hendes billetter havde en begrænset tidsgyldighed 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 7. maj 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 forsikringsselskab om eventuel forsikringsretshjælp.

SAGENS OMSTÆNDIGHEDER:

Klageren, som er bosiddende i Stockholm, var på en kort forretningsrejse i København, hvor hun skulle rejse med Metroen fra Ørestad st. den 6. november 2024.

Inden påstigning købte hun billet i automaten på Ørestad Metrostation. Da klageren vidste, at hun skulle rejse i alt 4 gange i løbet af denne dag, købte hun en 2-zoners billet til 4 voksne i automaten, som hun antog, kunne bruges til hver af de 4 rejser, som hun efterfølgende ville foretage den pågældende dag.

Ifølge klageren havde hun som udlænding ikke tidligere benyttet offentlig transport i København og var derfor ikke klar over, at billetterne ville være gyldige med det samme efter køb og have en begrænset tidsgyldighed.

Klagerens billet var gyldig fra købstidspunktet kl. 15:07 til ("valid until", som det står, når der zoomes ind på billetten) kl. 16:21:



Imidlertid kom der billetkontrol i Metroen mellem Nørreport og Kgs. Nytorv st. kl. 18:25, hvor klageren blev pålagt en kontrolafgift, idet hendes billet var udløbet.

Uddrag fra den elektroniske kontrolafgift:

```
<FeeDate>2024-11-06T18:25:00.0000000</FeeDate>
<Line>M1/M2</Line>
<StationFrom>Nørreport</StationFrom>
<StationTo>Kongens Nytorv</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>Papirbillet</TicketType>
```

Klageren anmodede samme dag Metro Service om at annullere kontrolafgiften med den begrundelse, at hun i god tro havde købt en billet til 4 voksne i automaten på Ørestad St., som hun havde troet, ville gælde til de 4 rejser, som hun efterfølgende skulle foretage. Klageren gjorde gældende, at hun hermed havde betalt for sine 4 rejser, om end hun havde begået en fejl ved billetbestillingen, som hun forklarede med, at hun var fra udlandet, og at informationen på billetautomatens skærm havde været sparsom.

Metro Service fastholdt kontrolafgiften med henvisning til selvbetjeningsprincippet, samt at det ifølge Metro Service fremgik med tilstrækkelig tydelighed på selve billetten, at den havde en begrænset tidsgyldighed.

Klageren svarede Metro Service, at hun var uenig i afgørelsen og påklagede herefter denne til ankenævnet.

I sin klage til ankenævnet anførte klageren desuden, at kontrolafgiften efter hendes opfattelse var disproportional med forseelsen.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

3 medlemmer med i alt 3 stemmer, Lone Bach Nielsen, Helle Berg Johansen og Dorte Lundqvist Bang, udtaler:

”Således som sagen foreligger oplyst med foto af klagerens billet, lægger vi til grund, at klageren ved billetkontrollen kl. 18:25 fremviste en billet, som var udløbet kl. 16:21, og at det fremgik tydeligt på engelsk, at billetten var ”valid until” – gyldig indtil – kl. 16:21.

Herefter blev kontrolafgiften på 750 kr. til klageren pålagt med rette.

Selv om det var klagerens første dag på forretningsrejse i Danmark, er det vores opfattelse, at dette ikke er en omstændighed, der fritager klageren for kravet om at kunne forevise en gyldig billet.

Som følge af det anførte og da det ikke er en betingelse for at pålægge en kontrolafgift, at passageren bevidst har søgt at omgå rejsereglerne, finder vi, at der ikke har foreligget sådanne særlige omstændigheder, at kontrolafgiften skal frafaldes.

Den omstændighed, at klageren ikke havde intention om at rejse uden gyldig billet, kan ikke føre til et andet resultat, og klageren burde efter vores opfattelse – før hun steg på Metroen – have gjort sig bekendt med betingelserne for billetkøb, herunder at billetter kan have en begrænset tidsgyldighed.

For så vidt angår spørgsmålet om proportionalitet henhører det jf. de Fælles landsdækkende rejse-regler pkt. 2.7.2. til trafikvirksomhederne at fastsætte kontrolafgiftens beløb, og en størrelse på 750 kr. er efter vores opfattelse ikke uproportional.”

2 medlemmer med i alt 2 stemmer, Nikola Kiørboe og Dorthe Thorup, udtaler:

”Da klageren i kontrolsituationen ikke kunne påvise en gyldig billet, blev afgiften pålagt med rette. Forbrugerrepræsentanterne mener dog, at den indklagede skulle have frafaldet kontrolafgiften i den efterfølgende sagsbehandling, da klageren var i besiddelse af billetter til fire rejser til den korrekte pris, for hvilke det efter vores opfattelse ikke fremgik af købsflowet, at der var udløbstid på.

Vi mener, at det er problematisk, at mange brugere af den kollektive transport pålægges kontrolafgifter, selvom de har forsøgt at betale korrekt, men har begået mindre fejl i et selvbetjeningssystem, der bliver mere og mere komplekst og svært at gennemskue for mange brugere. Forbrugerrepræsentanterne opfordrer til, at selskaberne udviser større konduite over for turister, der skal navigere i dette system.

Der lægges særlig vægt på, at klageren er turist i Danmark, og at det er almindelig praksis i andre lande, at man kan købe flere tur-billetter på samme tid.

Det kan tilføjes, at forbrugerrepræsentanterne foreslår et administrationsgebyr på 125 kr., idet afgiften i kontrolsituationen blev pålagt med rette.”

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 trafikelskaber 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:

”I would like to appeal the inspection fee issued to me on the 6th of November by the Copenhagen Metro. As a resident of Stockholm, visiting Copenhagen alone for a short trip, I faced significant challenges in understanding the local ticketing system, which resulted in a fine of 750 DKK.

Key points I would like to highlight:

1. Unclear ticketing instructions: The ticketing machine at Ørestad station provided minimal guidance on the validity and usage of tickets. When purchasing the tickets, the machine did not clearly specify that selecting multiple adult tickets would activate them simultaneously for a limited time period rather than individually for separate trips. This crucial information was only printed on the tickets themselves, which I failed to notice, and was not communicated during the purchasing process.
2. Misinterpretation due to unfamiliarity: As an international traveler, I followed the instructions on the machine to the best of my understanding. I selected four (4) adult tickets, believing they were for four (4) distinct journeys, paying 96 DKK and using them for exactly 4 trips within 3 hours. This misunderstanding highlights the potential for confusion within the ticketing interface, especially for non-local passengers who may not be familiar with the specificities of the system. Moreover, as Copenhagen metro system does not provide any alerts or notifications during the travel itself, there was no opportunity for me to know the ticket was incorrect until the inspection.
3. Honest mistake with no intent of evasion: My actions were guided by the intention to comply with the fare system and ensure that I paid for my transportation. I conscientiously purchased and used what I believed to be the correct tickets. The fact that I paid for four (4) tickets and used them for four (4) journeys within the city underscores my commitment to adhering to the rules. I have no prior record of traveling without a valid ticket, either in Copenhagen or elsewhere. I have always been a responsible and law-abiding traveler, always ensuring I purchase and carry valid tickets when using public transport. This is the first time I have encountered an issue like this, and it happened purely due to confusion in the unclear ticket interface. To highlight, as a tourist, I made every effort to pay for my travel in full, and I had no intention to cheat or evade the system.

4. Disproportionate fine: The inspection fee of 750 DKK is a considerable financial penalty for a mistake rooted in a lack of clarity and understanding. This fee represents a significant burden, it is excessive for the situation. Especially given the context of my short trip and the genuine effort I made to comply with the fare requirements.

5. Opportunity for system improvement: This incident highlights the need for clearer and more intuitive instructions on ticketing machines, particularly for international travellers. By providing more explicit information during the purchasing process about the validity period and usage of tickets, future misunderstandings and similar situations can be prevented. I fully understand the importance of having rules in place for public transportation, and I respect the need for fairness and consistency. However, I believe that rules are meant to serve people, and must include human aspect, which means taking individual circumstances into account.

In light of these facts, I respectfully request that the appeal board reconsider the inspection fee based on the following grounds:

- * The ticketing machine did not provide clear and comprehensive instructions regarding the validity period of the tickets.

- * As an international traveler, my mistake was due to a genuine misunderstanding of the local ticketing system.

- * The financial penalty is disproportionate to the nature of the error and does not reflect any intention of fare evasion.

I appreciate your attention to this matter and urge you to take these factors into consideration when re-evaluating the necessity and fairness of the inspection fee. I trust that the board will recognise the importance of fair treatment for all passengers, including those unfamiliar with the local system. Additional travel documents, hotel receipts with proof of travel alone, itinerary etc. can be provided upon request.

Thank you for your time and understanding. I look forward to a fair resolution.

By appealing, I hope to:

1. Annulate the fine due to the misunderstanding of the ticket system.
 2. Highlight issues in the ticketing interface to help improve clarity for future travellers.
 3. Ensure fair treatment for visitors who make honest mistakes.
 4. Raise awareness about the need for clear guidance and assistance for non-locals using public transport.
- Thank you for considering my appeal."

Indklagede anfører følgende:

"As other means of public transportation in the Greater Copenhagen area, the Metro is a self-service system, where it is the responsibility of the passenger to ensure holding a valid ticket, and being able to present it upon request.

In cases where a valid ticket cannot be presented upon request, the passenger must accept a fine, which currently is 750 DKK. This basic rule is a premise for the self-service system used in the Metro. This information can be found in the Common Travel Regulations which can be read in their entirety at this link [Joint-National-Travel-Regulations.ashx](#) as well as on the Information walls on all stations. The Information walls are all in both Danish and English language.

In addition, there are yellow call points at all stations that passengers are more than welcome to use around the clock and that connect you to a metro employee in the control room, who - in either Danish or English - can answer all questions related to the metro.

The complainant was met by a metro steward in the metro on 6 November 2024 at 18:25 between Nørreport station and Kongens Nytorv station.

The complainant presented an expired 2-zone paper ticket that had been valid for 4 adults to travel together during the period between 15:07 when the ticket was purchased and 16:21 when the ticket expired.

Since the complainant did not have any other form of valid travel document, an inspection fee was charged in accordance with applicable regulations.

With reference to section 2.4. and 2.4.1. of the travel regulations, it is always the passenger's own responsibility to have a valid ticket for the entire journey and the passenger also has a duty to check that the travel document received is in accordance with what was requested:

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.

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2.4.1. Use of single tickets and cards issued on cardboard, paper or via mobile phone

It is the customer's responsibility to ensure that cardboard or paper single tickets (e.g. the Pensioner's card) are correctly issued and are valid for the entire journey and the area of travel.

Single tickets or cards are valid for the period and on the line and in the transfer area or the number of zones printed on the single ticket or card.

Being an international traveler does not exempt you from the responsibility of finding out how things work in the country and city you are visiting, rather it places a higher requirement on familiarizing yourself with things before you travel.

As mentioned above, there is ample opportunity at all stations to be informed about how things work in the metro.

We have attached a pdf file with an information board in its entirety and for convenience have inserted excerpts from the information board below where you can see that all tickets in the metro have a time validity as well as information on how to get further guidance.



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 billettens 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 Rejekort 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 Rejekort 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.



Kontakt og info Contact and information

Du kan altid finde mere information på www.m.dk eller ved at trykke på den grønne info-knap på de gule kontaktpunkter på stationerne og i toget. Den røde alarmknap bruges ved akut fare. Du kan også få hjælp til din rejse ved at bruge infoknappen på billetautomaterne eller ved at kontakte den fælles kundeservicetelefon for bus, tog og metro på:

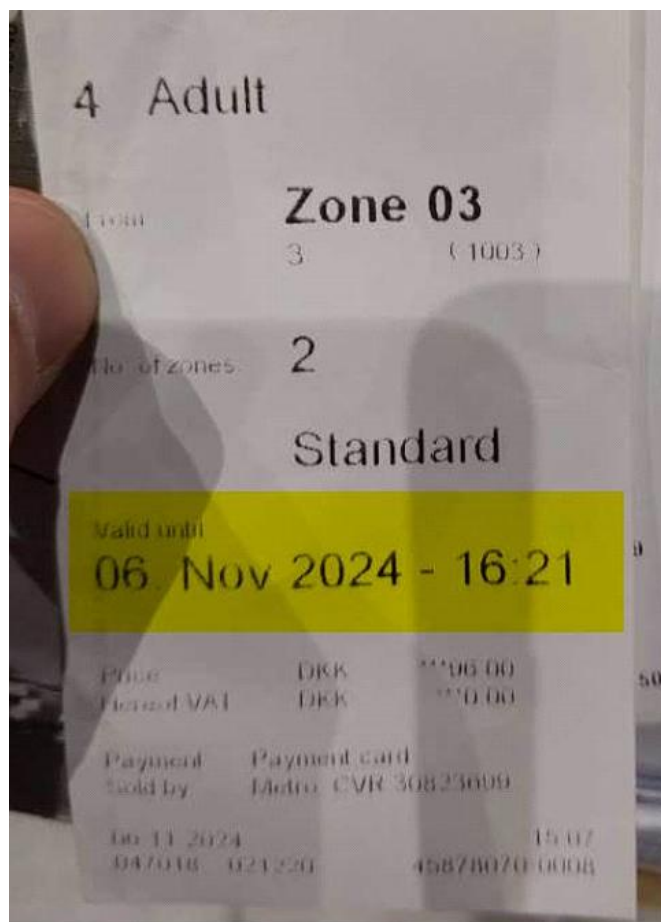
DOT Kundeservice
T: +45 7015 7000

You can always find more information at www.m.dk or by pressing the green info button on the yellow contact points at the stations and on the trains. The red alarm button is only to be used in an emergency. You can also get help with your journey by using the info button on all ticket machines or by contacting the joint customer service line for bus, train, and Metro at:

DOT Customer Service
T: +45 7015 7000

The complainant claims that she misinterpreted due to unfamiliarity. But precisely because the complainant was unfamiliar with how to travel by public transport in Copenhagen, we are surprised that she did not check the ticket she received, which would have immediately made the

complainant aware that the ticket expired at 16:21 and thus could have taken precautions. See the ticket below:



Although we can understand that this is an unfortunate situation for the complainant, we cannot consider factors such as good faith and lack of knowledge of the system and the rules in our decisions.

The requirement for a valid travel document applies to everyone, regardless of whether you are a child or an adult, a resident or a tourist etc. and since the complainant did not have a valid ticket when she traveled by metro, we maintain that the inspection fee has been imposed correctly and that the case officer's decision in the first instance is also in accordance with applicable rules.

The amount of the fee itself has been determined in cooperation with the other transport companies and approved by the relevant authorities, and we draw attention to section 2.7.2 of the travel rules, where you can read the following:

2.7.2. Fees

The Public Transport Operators determine the size of Inspection fees. The size of inspection fees can therefore be changed following a decision by the individual Public Transport Operator. This will be notified within one month and will appear on the website of the Public Transport Operator in question (see section 17).

The Inspection fee is issued by the Public Transport Operator the customer has travelled with and at the Public Transport Operators tariff.

The Inspection fee for the individual customer groups in the individual Public Transport Operator currently amounts to:

Public Transport Operator	Adult and Youth	Children and dogs	Bicycles
DSB	DDK 750	DDK 375	DDK 100
GoCollective Rail	DDK 1.100	DDK 550	DDK 250
Nordjyllands Trafikselskab	DDK 1.000	DDK 500	DDK 100
Midttrafik	DDK 1.000	DDK 500	DDK 100
Sydtrafik	DDK 1.000	DDK 500	DDK 100
Fynbus	DDK 1.000	DDK 500	DDK 100
Trafikselskabet Movia	DDK 1.000	DDK 500	DDK 100
Metroselskabet I/S	DDK 750	DDK 375	DDK 250
BAT	DDK 750	DDK 375	DDK 100

”

På ankenævnets vegne

Lone Bach Nielsen
Nævnensformand