

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer:	24-0486
Klageren:	XX London, UK
Indklagede: CVR-nummer:	Metroselskabet I/S v/Metro Service A/S 21 26 38 34
Klagen vedrører:	Kontrolafgift på 750 kr. grundet manglende check ind på Rejsekort
Parternes krav:	Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at hun havde checket sit Rejsekort ind, inden hun steg på Metroen Indklagede fastholder kontrolafgiften
Ankenævnets sammensætning:	Nævnshoved, 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 London, skulle den 10. december 2024 rejse med Metroen fra Frederiksberg st. til Lufthavnen st.

Til sin rejse ville klageren benytte sit Rejsekort Anonymt, som hun vidste, havde en saldo på 58 kr., hvilket efter hendes opfattelse var tilstrækkeligt til rejsen. Ifølge klageren førte hun på Frederiksberg St. sit Rejsekort op til en kortlæser, som hun hørte give en lyd, hvorefter Metroen ankom til perronen og hun steg på.

Der kræves imidlertid en saldo på minimum 70 kr. for at kunne checke ind på et Rejsekort Anonymt.

Ved Femøren St. kom der imidlertid billetkontrol ombord på Metroen. Klageren fremviste her sit Rejsekort, som ikke var checket ind grundet den lave saldo, og hun blev derpå pålagt en kontrolafgift på 750 kr.

Uddrag fra den elektroniske kontrolafgift:

```
<Country>England</Country>
<CPRStatusCode/>
<FeeDate>2024-12-10T11:35:53.9100000</FeeDate>
<Line>M1/M2</Line>
<StationFrom>Femøren</StationFrom>
<StationTo>Lufthavnen</StationTo>
<Adult>true</Adult>
<Child>false</Child>
<NumberOfBikes>0</NumberOfBikes>
<NumberOfDogs>0</NumberOfDogs>
<Cause>Mgl. Check ind</Cause>
<UnequalZones>false</UnequalZones>
<PaidCash>false</PaidCash>
<Amount>750</Amount>
<Cancelled>false</Cancelled>
<ChangedComment/>
<PaymentReceivedByUser/>
<Note/>
<TicketType>Rejsekort</TicketType>
```

Samme dag anmodede klageren Metro Service om at annullere kontrolafgiften mod hendes betaling af 24 kr. for turen. Klageren gjorde gældende, at hun havde checket ind på perronen på Frederiksberg St.

Metro Service fastholdt kontrolafgiften under henvisning til, at klagerens Rejsekort ikke havde været checket ind grundet for lav saldo.

Derefter indbragte klageren sagen for ankenævnet, hvor hun yderligere gjorde gældende, at hun er hørehæmmet.

Ifølge rejsekorthistorikken kom saldo på klagerens Rejsekort Anonym under minimumssaldoen på 70 kr. i forbindelse med check ud efter en rejse den 1. december 2024:

Modtaget, system dato/kl.	Regnskabsperiode	Handling	Transakt.type	Kortsekv.nr.	Rejsekv.nr.	Lokation	Udstyr / -nr.	Produkttype	Saldo	E-pung ændring
30-11-2024 19:53:00	01-11-2024	Check ind	Check ind	136	51	Københavns Lufthavn	VAL_23747 - 138A0A	EasyTrip	46,44	-70,00
30-11-2024 20:22:01	01-11-2024	Check ud	Check ud	137	51	Frederiksberg Allé St.	VAL_67639 - 139934	EasyTrip	93,84	47,40
01-12-2024 14:12:17	01-12-2024	Check ind	Check ind	138	52	Frederiksberg Allé St.	VAL_67645 - 13F352	EasyTrip	23,84	-70,00
01-12-2024 18:47:30	01-12-2024	Check ud	Check ud	139	52	Operaen	VAL_02972 - 133177	EasyTrip	76,04	52,20
01-12-2024 18:47:31	01-12-2024	Check ind	Check ind	140	53	Operaen	VAL_02971 - 13F84A	EasyTrip	6,04	-70,00
01-12-2024 18:34:23	01-12-2024	Check ud	Check ud	141	53	Frederiksberg Allé St.	VAL_67640 - 139980	EasyTrip	58,24	52,20
10-12-2024 13:15:30	01-12-2024	Kontrolmærke	Kontrol	141		Amager Strand St.	MARK_65102 - 09B966		0,00	0,00
10-12-2024 13:15:30	01-12-2024	Kontrolmærke	Kontrol	141		Femøren St.	MARK_65102 - 09B966		0,00	0,00
10-12-2024 12:02:40	01-12-2024	Tank-op	Tank-op	142		Københavns Lufthavn	DSB_Cph_RVM_102 - 049942		158,24	100,00

Rejsekortsystemet viser, at klagerens Rejsekort Anonym var indstillet til engelsk, og derfor vil klageren have fået skærmbeskeder på engelsk, når Rejsekortet var i kontakt med en kortlæser:

Kundeidentifikation		
Chipnr.	Kortnr.	Type
856477008	308430 55 751 4	Rejsekort anonymt
Kundeprofil		
Foretrukket sprog		
ENGLISH		

Eksempel på den opmærksomhedsbesked, som gives på kortlæseren ved check ud, når saldoen kommer under minimumsbeløbet på 70 kr. (eksempel på dansk – klagerens besked var på engelsk). Herudover kommer standen med en "øv-lyd", som tegn på, at kunden skal være opmærksom. Endelig er skærmen grå og ikke blå, som tilfældet er, når der ikke er problemer:



Klagerens tankede ikke Rejsekortet op efter den 1. december 2024, og da hun den 10. december 2024 skulle rejse med Metroen fra Frederiksberg St. til Lufthavnen St, fik hun derfor ved sit forsøg på at checke ind følgende besked på kortlæseren (eksempel på dansk – klagerens besked var på engelsk). Herudover vil standen have givet en "øv-lyd", som tegn på, at check ind ikke kunne ske:



Klageren har desuden anmodet ankenævnet om at gennemse videoovervågning fra Frederiksberg St.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Klageren kunne ved kontrollen i Metroen den 10. december 2024 ikke forevise gyldig rejsehjemmel, fordi der ikke var registreret et check ind på hendes Rejsekort Anonymt.

Ankenævnet har fra Metro Service modtaget oplysninger fra rejsekorthistorikken i Back Office om denne sags konkrete rejse, som bekræfter oplysningerne på klagerens Rejsekort om, at der ikke var checket ind på kortet den 10. december 2024, og at Rejsekortet ikke kunne checkes ind på grund af for lav saldo.

På denne baggrund har ankenævnet ikke grundlag for at konstatere, at klageren havde foretaget et korrekt check ind på sit Rejsekort på den pågældende rejse, hvor kontrollen foregik.

Ifølge Rejsekort Rejseregler skal Rejsekort checkes ind ved rejsens begyndelse, og det er passagerens eget ansvar at være checket korrekt ind.

Kontrolafgiften for manglende check ind blev derfor pålagt med rette.

Det kan ikke føre til et andet resultat, at klageren efter det oplyste er hørehæmmet, idet det efter ankenævnets opfattelse indebærer, at hun havde en særlig forpligtelse til at være opmærksom på, hvad standerens display oplyste.

Ankenævnet bemærker, at pligten til at betale kontrolafgift ikke er betinget af, om passageren bevidst har forsøgt at unddrage sig betaling. Herefter finder ankenævnet, at der ikke har foreligget sådanne særlige omstændigheder, at klageren kan fritages for kontrolafgiften.

For så vidt angår klagerens anmodning om, at ankenævnet gennemser

videoovervågning fra stationen, bemærker ankenævnet, at eventuel videoovervågning i den konkrete sag ikke ville kunne føre til et andet resultat, da rejsekorthistorikken viser, at klagerens Rejsekort ikke var checket korrekt ind på Frederiksberg St.

Spørgsmålet om udlevering af videoovervågning skal rettes til den dataansvarlige, som i dette tilfælde er Metro Service, og den endelige afgørelse af udlevering af videoovervågning henhører under Datatilsynet.

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 explained in my email of 10 Dec I did check in- held my card to the card reader and it made a noise, the Metro was just arriving and I got on the train together with another Danish person, who had advised me in the lift that some trains might not be running to the airport. There was no supervisor nearby to ask and I knew I had money on my travel card. I've used the card many times on my frequent visits to Cph. I realise your company is a private enterprise and employs ticket inspectors instead of supervisors who offer help to the elderly, disabled and hard of hearing (invisible disabilities) getting about on PUBLIC TRANSPORT. I've never cheated and public transport and I feel I was made a public cheat when the inspector interrogated me

infront of other passengers and handed me the fine of DKK 750 (I am a pensioner...) I am sure you check your VIDEO RECORDINGS at Frederiksberg Allee on at approx. 11:15 on 10 December on the day of my departure. I entered level 2 via the lift outside Frederiksberg Allee.

I hope and trust in your good judgement to get the fine cancelled due to the fact I had "checked in" despite the fact that its not on your system. It can be checked on your video recording. I was not aware of the fact that 70 DKK have to be on my card to travel on the DSB.
This is the season of Good Will. "

Indklagede anfører følgende:

"In the specific case, the complainant was ticketed by a Metro steward December 10, 2024, at 11:35 between Femøren station and Airport station. The complainant presented a travel card anonymous , which, however, had not been checked in. As the complainant had no other form of ticket, the steward issued an inspection fee in accordance with current regulations.

The metro runs, like the 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.

At all stations there are information boards and information stickers where you can read, in both Danish and English, that you must have a valid ticket before boarding the train and that and if you do not have a valid ticket, an inspection fee will be issued at ticket inspection.

In addition to the aforementioned information boards/stickers, the requirement for a valid ticket before boarding is also described in in the Joint National Travel Regulations, which can be read in their entirety at this link: [Joint-National-Travel-Regulations.ashx \(rejsekort.dk\)](https://www.rejsekort.dk/Regulations.ashx) and where we draw particular attention to sections 2.4 and 2.7.:

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.

The customer can extend the journey by purchasing more zones/a new single ticket for the ordinary travel document. The purchase must be made while the ordinary travel document is still valid. The rules for purchase and use of a supplementary single ticket/new single ticket adhere to the general rules for purchase of travel documents.

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.

The complainant started her journey at Frederiksberg Allé station.

In her submissions to Metro and the Appeals Board, the complainant has explained that she, in the lift at the station, spoke to another passenger who told her that some trains might not be running to the airport.

The complainant also claims that she held her travel card up to the card reader at Frederiksberg Allé station and that she heard a sound from the card reader at the same time as the train entered the station.

The complainant states that she has used her travel card many times on her frequent visits to Copenhagen, and that she knew that she had money on her travel card but that she was not aware that a minimum balance of DKK 70 is required to check an adult in on an anonymous travel card.

Finally, the complainant explains that she is elderly, disabled and hard of hearing and that the steward questioned her in front of other passengers and should have helped her instead of issuing an inspection fee.

We have investigated whether there should have been operational disruptions at the time and destination of the complainant's journey. However, this is not the case.

The control room's electronic logbook, where all incidents are recorded, shows that approximately one hour before the complainant's journey time, there was a delay on some trains in the direction of Vanløse due to a door problem at Vanløse station. However, this incident had no impact whatsoever on train operations in the direction of the airport and was otherwise resolved at 10:57 with the resumption of normal operations.

From Rejsekort A/S we have received a history of the complainant's travels, see below and the attached pdf file 'Travel history'.

Reg. udstyr dato/kl.	Modtaget. system dato/kl.	Rejskeperiode	Handling	Transakt.type	Kortnr.	Kortsekv.nr.	Rejsekv.nr.	Lokation	Udstyr / -nr.	Produkttype	Saldo	E-pung ændring	Transakt.beleb	Forudbetaling
30-11-2024 19:34:25	30-11-2024 19:53:00	01-11-2024	Check ind	Check ind	308430 55 751 4	136	51	København Lufthavn	VAL_23747 - 138A0A	EasyTrip	46,44	-70,00	70,00	70,00
30-11-2024 20:06:24	30-11-2024 20:22:01	01-11-2024	Check ud	Check ud	308430 55 751 4	137	51	Frederiksberg Allé St.	VAL_67639 - 139934	EasyTrip	93,84	47,40	-47,40	70,00
01-12-2024 13:48:53	01-12-2024 14:12:17	01-12-2024	Check ind	Check ind	308430 55 751 4	138	52	Frederiksberg Allé St.	VAL_67645 - 13F352	EasyTrip	23,84	-70,00	70,00	70,00
01-12-2024 14:33:13	01-12-2024 18:47:30	01-12-2024	Check ud	Check ud	308430 55 751 4	139	52	Operaen	VAL_02972 - 133177	EasyTrip	76,04	52,20	-52,20	70,00
01-12-2024 17:58:48	01-12-2024 18:47:31	01-12-2024	Check ind	Check ind	308430 55 751 4	140	53	Operaen	VAL_02971 - 13F84A	EasyTrip	6,04	-70,00	70,00	70,00
01-12-2024 18:26:49	01-12-2024 18:34:23	01-12-2024	Check ud	Check ud	308430 55 751 4	141	53	Frederiksberg Allé St.	VAL_67640 - 139980	EasyTrip	58,24	52,20	-52,20	70,00
10-12-2024 11:35:02	10-12-2024 13:15:30	01-12-2024	Kontrolmærke	Kontrol	308430 55 751 4	141		Amager Strand St.	MARK_65102 - 09B966		0,00	0,00	0,00	0,00
10-12-2024 11:35:09	10-12-2024 13:15:30	01-12-2024	Kontrolmærke	Kontrol	308430 55 751 4	141		Femøren St.	MARK_65102 - 09B966		0,00	0,00	0,00	0,00
10-12-2024 11:47:15	10-12-2024 12:02:40	01-12-2024	Tank-op	Tank-op	308430 55 751 4	142		København Lufthavn	DSB_Cph_RVM_102 - 049942		158,24	100,00	100,00	

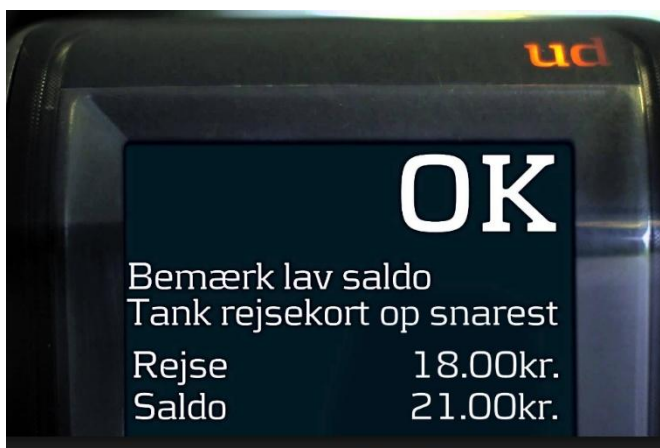
Kundeidentifikation		
Chipnr.	Kortnr.	Type
856477008	308430 55 751 4	Rejsekort anonymt

Kundeprofil
Foretrukket sprog
ENGLISH

When you check out after a trip, the card reader always shows how much the trip you just completed has cost. If the balance on the card is also too low to be able to check in the next time you travel, that information will also be displayed on the card reader's screen.

From Rejsekort we know that the complainant uses 'English' as the language on her card, which means that the information on the card readers will be in English.

We do not have a photo example of such a 'low balance warning' in English, but it looks like the one below - only with English text of course.



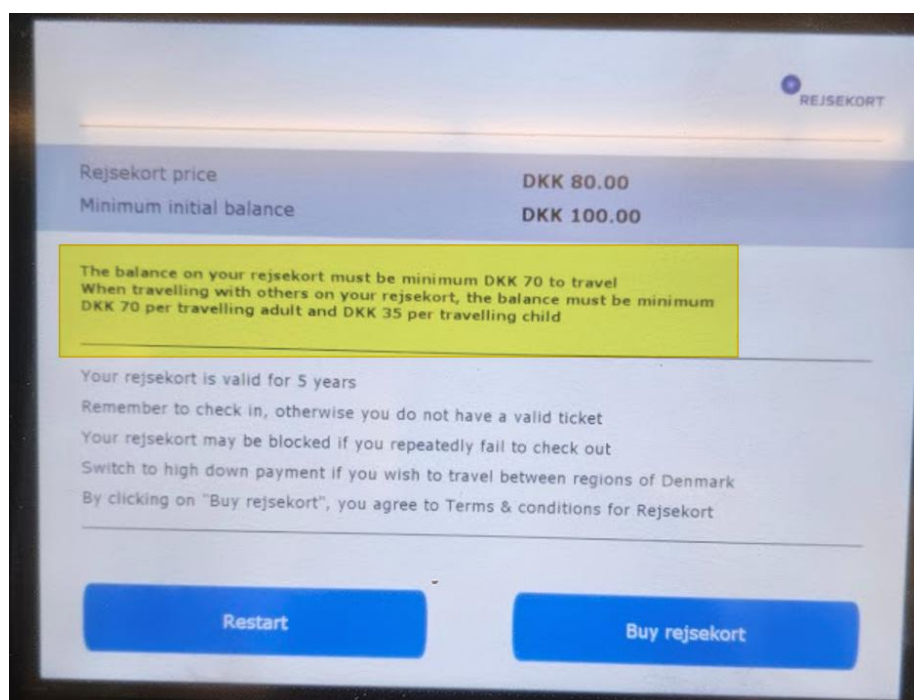
The last time the complainant used her travel card before she received her inspection fee, was when she checked out on 1 December 2024 at 18:26 (the green circles in the history above). On that occasion, the card balance fell to DKK 58.24, which resulted in a low balance message on the card reader.

When the balance on the travel card has become too low, you cannot check in until you have topped up the card.
On the check-in validator, you get a text message on the display at the same time as a negative acoustic signal.
In Danish, the text looks like the one below, if the travel card is set to 'English', the information will be in English.



The vast majority of anonymous travel cards are purchased from a vending machine.

If you buy an anonymous travel card from a travel card vending machine, you have to go through some information texts on the screen before you can complete the purchase, see below:



If you buy your anonymous card at a serviced sales point, you will of course have the opportunity to get answers to any questions you may have.

Regardless of which type of travel card you use, you agree to the terms and conditions when you use the card for the first time.

The information is also available on Rejsekort.dk - where you can select 'English'. See below:

<https://www.rejsekort.dk/Hjaelp/Saadan-rejser-du>

The customer and card type will determine the price

The prepayment is based on your customer type and your type of Rejsekort.

With a Rejsekort Personal, you prepay 25 kr. for an "Adult" customer type, whereas a "Child" will prepay 12.50 kr.

With a Rejsekort Anonymous, an "Adult" customer type will prepay 70 kr. for a regional journey and 600 kr. for a journey between regions, whereas a "Child" will prepay 35 kr. on a regional journey and 300 kr. for a journey between regions. You have to personally upgrade your Rejsekort Anonymous at a Rejsekort Vendingmachine or by the help of a Bus Driver.

Travelling between the regions means:

- Travelling across Storebælt and Lillebælt
- Travelling between Sydtrafik, Midttrafik and Nordjyllands Trafikselskabs regions.

With reference to the above, the complainant was made aware that the balance on the card was too low for a new trip already on December 1st and she has thus had ample opportunity to top up the card before she was due to travel next time.

We do not understand how the complainant could have got the impression that she had checked in on December 10th because she was informed on the card reader that check-in was not possible due to insufficient balance, and the check-in attempt was accompanied by a negative sound from the card reader.

We are of course sorry if the complainant felt interrogated by the steward in front of other passengers, and we have forwarded the complainant's description of the situation to the relevant manager for internal review.

By nature, ticket inspection on a train takes place in a public space and the steward is required to issue an inspection fee to any passenger who cannot produce a valid travel document upon request. However, you are of course welcome to ask the steward to get off at the next station and continue issuing the inspection fee there before travelling on.

As the complainant did not have a valid ticket, the inspection fee is imposed rightly and in accordance with current regulations.

The subsequent case processing and decision are also correct as it is undeniable that the complainant has received a service she has not paid for, and we maintain our demand for payment of the inspection fee of DKK 750.

In conclusion, we draw attention to other cases of low balance on rejsekort where the Board of Appeal has made decisions in favor of the summoned company, such as but not limited to 2021-0147, 2021-0011, 23-0244, 23-0295 and 23-0338."

Til dette har klageren anført:

" Please see below further comments as requested:

- 1) As stated previously I "checked" in by holding my travel card under the card reader at Frederiksberg station on my way to Copenhagen Airport. I heard a sound (unfortunately I am hard of hearing) and proceeded to get onto the train. I also was sure I had had enough credit on my card to take me to the airport which is about 24 Kroners I found out at the Airport when I topped up my card again.
- 2) The conductor stated I did not check in - which I dispute
- 3) I am asking you to see the check video camera of the day of my travel at Frederiksberg to Kastrup AP
- 4) At no time did I intend to "cheat" the system, as I've been to Copenhagen many times before and I was aware of having a valid ticket before getting on to the train.
- 5) I also object to the way I was treated in the carriage full of fellow passengers - like a criminal or cheat
- 6) The person fining me could have requested me to leave the carriage and continue the conversation outside the carriage on the platform

I am very much upset by the treatment of your privatised Metro System terrorising its passengers.

Finally, I request you kindly to withdraw the charges/fine."

På ankenævnets vegne



Lone Bach Nielsen
Nævnensformand