

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer:	25-0010
Klageren:	XX og YY Singapore
Indklagede: CVR-nummer:	Metroselskabet I/S v/Metro Service A/S 21 26 38 34
Klagen vedrører:	To kontrolafgifter på hver 750 kr. grundet rejse med Metroen uden bil- let
Parternes krav:	Klageren ønsker, at ankenævnet annullerer begge kontrolafgifter, og gør gældende, at han og hans ægtefælle som turister ikke var bekendte med, at man som passager i Metroen skal have billet inden påstigning 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 betaling af to kontrolafgifter på hver 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 og hans ægtefælle, som er bosat i Singapore, var på ferie i København og skulle den 25. december 2024 kl. ca. 17:44 rejse med Metroen fra Kongens Nytorv St. til Rådhuspladsen St.

Ifølge klageren vidste han ikke på forhånd, hvordan billetsystemet i Metroen fungerede, og da der ikke var en betalingsbom ved indgangen til Metroen, som klageren var vant til fra Singapore, troede han, at han enten ville blive opkrævet betaling ombord på Metroen, eller at det var gratis at rejse med Metroen. Derfor steg han og hans ægtefælle ombord på Metroen uden billet.

Hér blev de kort efter mødt af en steward, og da klageren og hans ægtefælle ikke kunne forevise en billet, blev de herefter pålagt en kontrolafgift hver på 750 kr.

Uddrag af den elektroniske kontrolafgift udstedt til klageren:

```
<Country>Singapore</Country>
<CPRStatusCode/>
<FeeDate>2024-12-25T17:44:00.0000000</FeeDate>
<Line>M3/M4</Line>
<StationFrom>Kongens Nytorv</StationFrom>
<StationTo>Rådhuspladsen</StationTo>
<Adult>true</Adult>
<Child>false</Child>
<NumberOfBikes>0</NumberOfBikes>
<NumberOfDogs>0</NumberOfDogs>
<Cause>Intet forevist</Cause>
<UnequalZones>false</UnequalZones>
<PaidCash>false</PaidCash>
<Amount>750</Amount>
<Cancelled>false</Cancelled>
<ChangedComment/>
<PaymentReceivedByUser/>
<Note/>
<TicketType>Intet forevist</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>ingen billet</OtherText>
```

Da klageren ankom til Rådhuspladsen St., købte han straks en billet, som han samme dag sendte til Metro Service sammen med en anmodning om at annullere kontrolafgiften. Klageren anførte følgende over for Metro Service:

This is my first day arrive at Copenhagen at noon. I bought a metro ticket from Airport to 3 zones in the city. I was thinking it's valid for 1 day without knowing that I need to buy from one station to another. I was so shocked when being asked by the trainee officer who rejected to listen to our explanation as a first time tourist. She gave me a fine ticket without giving any verbal warning when I want to directly buy a ticket on the station. Please understand my situation and waive the fine. Attached is my tickets both from airport and I bought new one after get the fine ticket.

Metro Service fastholdt kontrolafgiften under henvisning til selvbetjeningsprincippet og de Fælles

landsdækkende rejseregler, som foreskriver, at man i Metroen skal have billet inden påstigning.

Herpå indbragte klageren og hans ægtefælle hver en sag for ankenævnet, som begge behandles i nærværende sag, idet omstændighederne er identiske.

Over for Ankenævnet har Metro Service endvidere gjort gældende, at der på alle Metrostationer er opsat informationstavler, hvor det også fremgår på engelsk, at passagerer skal have billet inden påstigning, og at der kan blive pålagt en kontrolafgift for manglende gyldig rejsehjemmel. På tidspunktet for billetkontrollen fremgik disse oplysninger dette således:



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.



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.



Metro Service har endvidere oplyst, at der på perronnens afskærmning er opsat følgende skilte ved siden af alle påstigningsdøre:



ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Ankenævnet lægger på baggrund af parternes oplysninger til grund, at klageren og hans ægtefælle steg på Metroen ved Kongens Nytorv St. uden gyldig billet, og at der kort tid herefter var billetkontrol.

De to kontrolafgifter på hver 750 kr. blev dermed udstedt til klageren og hans ægtefælle med rette.

Den omstændighed, at klageren efterfølgende købte en billet på Rådhuspladsen St., kan ikke føre til et andet resultat, da klageren og hans ægtefælle ikke havde gyldig rejsehjemmel på tidspunktet for kontrollen.

Det kan heller ikke føre til et andet resultat, at klageren og hans ægtefælle efter det oplyste var turister i København, da de selv bar ansvaret for at sikre sig gyldig rejsehjemmel til deres rejse fx ved at købe en mobilbillet eller ved at købe billet i en billetautomat, før de steg ombord på Metroen.

Det er ankenævnets opfattelse, at klageren og klagerens ægtefælle ikke uden at have undersøgt dette nærmere med rette kunne gå ud fra, at der kunne købes billetter ombord på Metroen, eller at det var gratis at rejse med Metroen.

Ankenævnet bemærker endvidere, at klageren i sin oprindelige klage til Metro Service oplyste, at han havde rejst med Metroen fra Lufthavnen tidligere samme dag, hvor han havde købt billet i en automat, og ankenævnet lægger derfor til grund, at klageren måtte være bekendt med, at det krævede en billet at rejse med Metroen.

Ankenævnet bemærker, at pligten til at betale kontrolafgift ikke er betinget af, om passageren bevidst har forsøgt at unddrage sig betaling 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 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 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:

"I boarded metro from Kongens to Rådhuspladsen. In Singapore there is a turnstile gate before we can enter the train platform and I usually use my E wallet from my handphone (Electronic credit card) to scan and enter the train platform. when I was at Kongens station I did not see any turnstile for me to enter, the train platform just open that I can enter it without scanning anything, so I was thinking that the train fee payment will be done in the train or maybe the train is free of charge for everyone, so I just boarded the train. After I boarded, there was an inspector approaching me and asking for ticket. I show my phone and asked her where can I tap my phone to buy the ticket but she said I already made a mistake by boarding the train without ticket and issued me inspection ticket.

1. Firstly I apologize for the mistake
2. I don't know how the metro ticketing system works as this is the first time I visited Denmark . Because there was no turnstile/door for entering the train station I thought I can but the ticket/make electronic payment in the train itself.
3. Once I reached Rådhuspladsen I straight away bought a ticket eventhough I already received an inspection ticket, and I submitted my ticket by email to the Metro company.
4. I hope the Board can understand my situation and can help me to waive off the inspection fee, thank you

Indklagede anfører følgende:

"In the specific case, the complainant was ticketed on December 25, 2024, at app. 17:44 between Kongens Nytorv station - Rådhuspladsen station. At ticket inspection, the complainant was unable to present any form of ticket and was therefore issued an inspection fee in accordance with applicable 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 amount 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.

The above also appears from the common Travel Rules, which are on Din Offentlige Transport - [Joint-National-Travel-Regulations.ashx](https://www.transportmyndigheden.dk/da/Offentlige-Transport-Regler), and this also appears from the information boards, which are set up at all stations. On the information boards, attention is also drawn to the yellow call points, which can be found in several places at all our stations. These call points put the passenger in direct contact with an operator in our control room, who is staffed 24 hours a day. This operator will be able to advise and guide regarding all issues related to the metro.

In the aforementioned travel rules, the requirement for a valid ticket before boarding is described as follows:

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 own responsibility to have a valid travel document upon boarding, including ensuring that the Rejsekort has been checked in correctly. When receiving the travel document, the customer must make sure that the ticket is in accordance with the desired requirements.

and

2.7. Inspection fee

2.7.1. Validity 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 is broken.

Attached are 2 pdf files: 'Metroinformation' and 'Rejseinformation og linjekort' which show the information boards that are posted at all metro stations. For convenience, clippings from the posters are included below:



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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.

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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



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.



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.

In addition, signs are posted on all platform screen doors reminding passengers to have a ticket.



In his inquiry to Metro, the complainant explained that upon arrival at Copenhagen Airport earlier in the day, he purchased a 3-zone ticket that he thought was valid for the entire day. The complainant did not present the ticket in question to the steward. 22 minutes after receiving his inspection fee, the complainant purchased a 2-zone ticket from the ticket machine at Rådhuspladsen station.

In his complaint to the appeal board, the complainant claims that in Singapore, where he lives, the system is different and that he usually just scans his E wallet to gain access to the platform - and that since he did not see a similar system in Denmark, he simply assumed that it was either free of charge to ride the metro or that he could buy a ticket on board the train.

We do not understand how the complainant could have the impression that it should be free to use public transport in Copenhagen because, in his inquiry to Metro, he explained that he bought a ticket for the first part of the journey when he arrived at the airport. The complainant also explains that he was visiting Denmark for the first time and that he therefore did not know how the system works in Denmark.

Thousands of travelers visit Copenhagen every year which is why large information boards have been put up on every station and which, in Danish and English, explain how the rules for travelling by public transport in Copenhagen work.

Furthermore, it is possible to thoroughly familiarize yourself with the system and the rules via the internet and the relevant websites, regardless of where in the world you come from. We are also of the opinion that if you visit a place for the first time you have an extra obligation to investigate and familiarize yourself with things and not simply assume that the system in Denmark works the same as where you live.

The requirement to have a valid ticket before the journey starts applies to everyone and since the complainant did not have a valid ticket at the ticket inspection, the inspection fee has been imposed correctly.

The fact that the complainant bought a ticket 22 minutes later has no significance in this regard. Since the fee has been imposed correctly and the outcome of the subsequent case processing is also in accordance with applicable rules, we maintain our claim for payment of the inspection fee of 750 kroner.

Finally, we draw attention to other cases, such as but not limited to 24-0034, 2019-0263 and 016-0098, which have been decided in favor of the defendant company and where the complainants have argued that they were in Denmark for the first time, that the system in their respective home country works differently than in Denmark, that they believed that a regular ticket was valid for a whole day and that they obtained a travel document after the inspection fee was issued.

Supplementary information for both the complainant and the secretariat:

The complainant travelled in the company of 3 other adults who also did not have valid travel documents. The complainant does not mention the 3 other inspection fees in his complaint to the Appeals Board, but regardless, this response would also apply to the 3 other travelers if it was the complainant's intention to include them in this complaint."

Indklagede anfører I forlængelse heraf:

“Thank you for sending an email stating that complaint case 25-0010 includes the complainant's wife's inspection fee.

In our case response of January 14, 2025, we concluded the response with the following:

Supplementary information for both the complainant and the secretariat:

The complainant travelled in the company of 3 other adults who also did not have valid travel documents. The complainant does not mention the 3 other inspection fees in his complaint to the Appeals Board, but regardless, this response would also apply to the 3 other travelers if it was the complainant's intention to include them in this complaint.

Since neither the complainant nor his wife had valid travel documents and since neither of the travelers had made reasonable efforts to familiarize themselves with how public transport in Copenhagen works and had made reasonable efforts to purchase a ticket before boarding, we maintain that both inspection fees have been imposed correctly and therefore also maintain the requirement for payment of both inspection fees.”

Klageren anførte herefter:

“Thank you for your reply and advice. I am not denying the explanation from the Metro but I am almost 60 years old and no point telling you a lie.

From the first place the Metro has already rejected my appeal and did not give me a chance, that's why I am approaching the boards to help and I believe the board can see my case from a different angle and bigger view. I am okay to pay the appeal fee event if the decision from the board later on is not on my favour. The main objective of my appeal is not about money, but more to ask the understanding from the metro on how you treat a visitor when they genuinely make mistakes. I myself is working in service industry and we most of the time give a chance to the visitor's first offender as they really don't know thing. In the eye of tourists or visitors the Metro is not just a transport company but is like the representative of Denmark government. Pls see my small comments below.

You may consider this:

1. I am not running away from this case, but approaching relevant parties like Metro and board to show my good intentions to solve this case
2. I did corrective action by purchasing the ticket after that

I am leaving my case into the good hands of the boards.”

På ankenævnets vegne



Lone Bach Nielsen
Nævnnsformand