

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

- Journalnummer:** 25-0074
- Klageren:** XX på egne vegne og på vegne af sine to sønner YY og ZZ
2400 København NV
- Indklagede:** Metroselskabet I/S v/Metro Service A/S
CVR-nummer: 21 26 38 34
- Klagen vedrører:** Klagerens kontrolafgift på 750 kr. samt to kontrolafgifter på hver 375 kr. til klagerens to medrejsende sønner grundet manglende check ind på Rejsekort
- Parternes krav:** Klageren ønsker, at ankenævnet annullerer kontrolafgifterne, eller i hvert fald dem til sønnerne, og gør gældende, at hans to medrejsende sønner på 14 år selv havde gyldig rejsehjemmel, men at kontrolløren ikke bad om at se dette, men i stedet udstedte tre kontrolafgifter, fordi klagerens Rejsekort var checket ud
- Indklagede fastholder kontrolafgifterne
- Ankenævnets sammensætning:** Nævnshoved, dommer Lone Bach Nielsen
Nikola Kiørboe (2 stemmer)
Helle Berg Johansen
Dorte Lundqvist Bang

Ankenævnet for Bus, Tog og Metro har på sit møde den 20. august 2025 truffet følgende

AFGØRELSE:

Metroselskabet I/S v/Metro Service A/S er berettiget til at opretholde kravet om klagerens og hans to sønners betaling af tre kontrolafgifter på i alt 1.500 kr.

Beløbet skal betales 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 forsikringselskab om eventuel forsikringsretshjælp.

SAGENS OMSTÆNDIGHEDER:

Sagen drejer sig om kontrolafgifter udstedt til klageren og hans to sønner på en rejse med Metroen til Lufthavnen.

Klageren har givet divergerende oplysninger om rejsen, og har i den første beskrivelse til Metro Service oplyst, at han checkede ind for 4 rejsende på Nørrebro st. – nemlig sig selv, hans to sønner og hans ukrainske veninde fra Østrig. Han fortalte til stewarden præcist, hvem han rejste med, da hans Rejsekort blev kontrolleret af stewarden. Stewarden sagde, at de var checket ud på Frederiksberg st., men dette gav ingen mening, da de ikke ville kunne have nået at stige af Metroen og checke ud, når de skulle nå et fly i lufthavnen. Der måtte derfor være noget galt med hans Rejsekort.

Under ankenævnsagen har klageren ændret dette til, at han også rejste med venindens 2 børn, og at det var dem, han havde checket ind på Nørrebro st., fordi hans 2 sønner på 14 år først mødtes med dem på Frederiksberg st. Sønnerne havde deres egen rejsehjemmel, som de ikke viste til stewarden, der ikke spurgte om at se den, og sønnerne havde forladt Metroen på tidspunktet for kontrolafgifternes udstedelse på Lufthavnen st. Stewarden gav aldrig nogen begrundelse for kontrolafgifterne, men spurgte om deres pas. Kontrolafgifterne burde rettelig have været udstedt til venindens 2 børn og ikke til klagerens 2 sønner, der havde deres egne billetter. Grunden til, at klageren gav sønnernes pas til stewarden i forbindelse med kontrollen, var, at han regnede med, at der var tale om en paskontrol.

Det fremgår af sagens logs, at klageren checkede 2 voksne og 2 børn ind på sit Rejsekort på Nørrebro st. kl. 09:57:20. Rejsekortet blev imidlertid checket ud igen allerede på Frederiksberg st. kl. 10:06:59.

Kort over Metroens linjer:



Ved Øresund st. kom der billetkontrol i Metroen. Her fremviste klageren sit Rejsekort og oplyste, at han var sikker på at have checket i alt fire personer ind.

Da Rejsekortet ikke længere var checket ind, blev klageren, hans to sønner og hans veninde pålagt hver en kontrolafgift.

Transaktionerne på klagerens Rejsekort fremgår af Rejsekorthistorikken:

Reg. udstyr dato/kl.	Modtaget. system dato/kl.	Regnskabsperiode	Handling	Transakt.type	Kortnr.	Kortsekv.nr.	Rejsekv.nr.	Lokation	Udstyr / -nr.	Produkttype	Saldo	E-pung ændring
13-02-2025 14:30:16	14-02-2025 04:23:03	01-02-2025	Check ud	Check ud	308430 205	626	251	Glasvej	VAL_55170 - 133C5B	EasyTrip	209,49	6,00
14-02-2025 09:57:20	14-02-2025 11:25:11	01-02-2025	Check ind	Check ind	308430 205	627		Nørrebro St.	VAL_66986 - 13F983	EasyTrip	209,49	0,00
14-02-2025 09:57:20	14-02-2025 11:25:11	01-02-2025	Check ind	Check ind	308430 205	628	252	Nørrebro St.	VAL_66986 - 13F983	EasyTrip	134,49	-75,00
14-02-2025 10:06:21	14-02-2025 10:20:59	01-02-2025	Check ud	Check ud	308430 205	629	252	Frederiksberg St.	VAL_66840 - 1399EA	EasyTrip	138,23	3,74
14-02-2025 10:24:27	14-02-2025 10:50:59	01-02-2025	Kontrolmærke	Kontrol	308430 205	629		Øresund St.	MARK_63504 - 09BFFA		0,00	0,00
14-02-2025 10:25:49	14-02-2025 10:50:59	01-02-2025	Kontrolmærke	Kontrol	308430 205	629		Øresund St.	MARK_63504 - 09BFFA		0,00	0,00
14-02-2025 10:26:40	14-02-2025 10:50:59	01-02-2025	Kontrolmærke	Kontrol	308430 205	629		Øresund St.	MARK_63504 - 09BFFA		0,00	0,00
14-02-2025 10:28:21	14-02-2025 10:50:59	01-02-2025	Kontrolmærke	Kontrol	308430 205	629		Øresund St.	MARK_63504 - 09BFFA		0,00	0,00

Uddrag fra denne sags tre elektroniske kontrolafgifter:

Klagerens:

```
<FeeDate>2025-02-14T10:24:56.1500000</FeeDate>
<Line>M1/M2</Line>
<StationFrom>Øresund</StationFrom>
<StationTo>Lufthavnen</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>
```

Søn nr. 1:

```
<FeeDate>2025-02-14T10:29:06.1500000</FeeDate>
<Line>M1/M2</Line>
<StationFrom>Øresund</StationFrom>
<StationTo>Lufthavnen</StationTo>
<Adult>false</Adult>
<Child>true</Child>
<NumberOfBikes>0</NumberOfBikes>
<NumberOfDogs>0</NumberOfDogs>
<Cause>Intet forevist</Cause>
<UnequalZones>false</UnequalZones>
<PaidCash>false</PaidCash>
<Amount>375</Amount>
<Cancelled>false</Cancelled>
<ChangedComment/>
<PaymentReceivedByUser/>
<Note/>
<TicketType>Intet forevist</TicketType>
```

Søn nr. 2:

```
<FeeDate>2025-02-14T10:30:24.6830000</FeeDate>
<Line>M1/M2</Line>
<StationFrom>Øresund</StationFrom>
<StationTo>Lufthavnen</StationTo>
<Adult>false</Adult>
<Child>true</Child>
<NumberOfBikes>0</NumberOfBikes>
<NumberOfDogs>0</NumberOfDogs>
<Cause>Intet forevist</Cause>
<UnequalZones>false</UnequalZones>
<PaidCash>false</PaidCash>
<Amount>375</Amount>
<Cancelled>false</Cancelled>
<ChangedComment/>
<PaymentReceivedByUser/>
<Note/>
<TicketType>Intet forevist</TicketType>
```

Den 18. februar 2025 anmodede klageren Metro Service om at annullere kontrolafgifterne, da han var overbevist om, at han havde checket korrekt ind på sit Rejsekort og ikke havde checket ud igen inden billetkontrollen. Klageren gjorde gældende, at han havde fortalt til stewarden præcist, hvem han havde checket ind på sit kort, men stewarden sagde, at de ikke havde gyldig rejsehjemmel, og viste ham, at kortet var checket ud på Frederiksberg st. Men det gav ingen mening, og der måtte være noget galt med hans kort:

“I got fined for 4 people because the woman said my card was checked out a few minutes earlier at frederiksberg.

I was travelling with my family (my 2 sons in the spectrum and my ukrainian refugee visiting from Austria) from nørrebro to go to the airport, we had a plane leaving less than 2 hours after she fined us.

I gave her my card and I knew I checked in for 4 people and I told her exactly what people I was checking. This shows that I was 100% sure that I had my valid ticket. Then she suddenly says that we have no ticket, she shows me that I checked in in nørrebro and checked out in frederiksberg. I explain that that would make no sense because we are going to the airport and need to be there on time, we have no reason to checkout in frederiksberg. We checkd in at 9:57 and she fined us at 10:10, there would have been absolutely no time for us to stop in frederiksberg and checkout and then go back in the metro.

then she started to say that she can't see when we checked in but that was a lie because she showed it to me.

I think something wrong happened with my card or she made a mistake, but it is simply not possible that we checked out at frederiksberg like she said, and anyway it wouldn't make any sense for use to do it."

Metro Service fastholdt kontrolafgifterne den 20. februar 2025 med følgende begrundelse:

"You started your journey at 09:57 on Nørrebro station on the M3/M4. This metro line does not go to the airport. To get to the airport, you will have to change to the M2 line, which is the only line that goes to the airport. The only two stations where you can change from the M3/M4 line to the M2 line are Kongens Nytorv station and Frederiksberg station, the latter being the obvious choice on your particular journey.

Following your complaint, the developers of the Rejsekort system have informed me, that no errors have been registered in the system in the time leading up to- and after the inspection. They also confirmed that all card sequence numbers in your travel history have been registered correctly. All log- and case files indicate normal functionality on all equipment in the time leading up to- and after the inspection. Consequently, nothing in our examination indicates any irregularities in neither the equipment, your rejsekort or the logic of your itinerary."

Vedrørende kontrolafgiften til klagerens kæreste, skrev Metro Service:

" You have addressed us regarding 3 other inspection fees that were not issued to you personally. As the inspection fees have been issued under the same circumstances and at the same time, this decision applies to all 4 inspection fees. Should you require further details, such as an updated payment form, regarding inspection fee 0134xxxx (which has not been issued to your sons), I need a signed power of attorney from the recipient of that inspection fee."

Derpå indbragte klageren sagen for ankenævnet, hvor han gjorde gældende, at hans tre medrejsende selv havde haft gyldig rejsehjemmel, men at de ikke særskilt var blevet bedt om at vise billet, og at kontrolpersonalet blot havde antaget, at klagerens Rejsekort, som ikke var checket ind, gjaldt for hele rejseselskabet.

I forbindelse med sagens oprettelse hos ankenævnets sekretariat blev klageren anmodet om at eftersende en fuldmagt underskrevet af hans kæreste, som var en af de tre medrejsende. Da klageren ikke har indsendt en underskrevet fuldmagt, kan ankenævnet ikke behandle sagen

vedrørende kærestens kontrolafgift, og således omhandler sagen kun tre kontrolafgifter; klagerens og hans to sønners.

Under ankenævnsagen har klageren ændret forklaring og har oplyst, at der var to yderligere medrejsende, som var hans kærestes to døtre, og at det var disse to medrejsende samt kæresten, som klageren oprindeligt havde checket ind på Nørrebro st., mens de to sønner først steg på Metroen på Frederiksberg st., hvor de selv havde anskaffet sig rejsehjemmel.

Metro Service har fastholdt de tre kontrolafgifter med henvisning til klagerens første henvendelse, hvor han havde anført, at han rejste med sine to sønner og sin kæreste, som han mente at have checket ind på Rejsekortet ved Nørrebro st., samt at han over for kontrolpersonalet havde udpeget specifikt, hvem af de medrejsende, der var med på Rejsekortet. Det var herefter disse fire rejsende, der blev pålagt en kontrolafgift.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Indledningsvist bemærker ankenævnet, at nærværende sag alene omhandler kontrolafgifterne til klageren og hans sønner, og ikke klagerens venindes kontrolafgift, da der ikke foreligger en fuld-magt fra hende. Klagerens veninde anmodes om selv at indgive en klage til Metro Service over sin kontrolafgift, således at de kan behandle klagen i 1. instans.

Når man rejser med Metroen fra Nørrebro st. til Lufthavnen, skal der foretages skift af Metrolinje på enten Frederiksberg st. eller Kgs. Nytorv st.

Ankenævnet finder det nærliggende at antage, at klageren utilsigtet kom til selv at checke sit Rejsekort ud på Frederiksberg st. i forbindelse med skift mellem de to Metrolinjer. Muligvis tog klageren fejl af standerne og havde til hensigt at foretage et skifte-check-ind. Ankenævnet har ikke fundet grundlag for at lægge til grund, at det beroede på en fejl ved Rejsekortet, at det blev checket ud. Ankenævnet har herved lagt vægt på, at klagerens Rejsekort har været benyttet både før og efter kontrolafgiftens udstedelse.

Det kan konstateres, at klagerens Rejsekort ikke var checket ind på tidspunktet for stewardens kontrolmærke ved billetkontrollen ved Øresund st., og ankenævnet finder derfor, at kontrolafgifterne til klageren og hans to sønner blev pålagt med rette.

Det kan ikke føre til et andet resultat, at klagerens to sønner, ifølge klageren, var i besiddelse af gyldig rejsehjemmel ved billetkontrollen, da ingen gyldig rejsehjemmel blev fremvist i kontrolsituationen eller på anden vis efterfølgende dokumenteret.

Det bemærkes, at det ikke er en betingelse for at pålægge en kontrolafgift, at passageren bevidst har forsøgt at unddrage sig betaling for rejsen, og da dette er et område med stor mulighed for omgåelse af passagerens pligt til at sørge for at betale for sin rejse, finder ankenævnet, at der ikke har foreligget sådanne særlige omstændigheder, at kontrolafgifterne skal frafaldes.

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 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 am writing to formally appeal the inspection fees issued to me (0134xxx), my two sons (0134xxx, 0134xxxx), and my girlfriend (0134xxx) on February 14, 2025, in the Copenhagen Metro. I believe these fines were issued unfairly due to incorrect assumptions made by the inspector.

Key Points of My Appeal:

1. The Inspector Did Not Check My Family’s Tickets

The inspector did not verify whether my two sons or my girlfriend had valid tickets before issuing them fines.

She assumed they were traveling under my Rejsekort because I had checked in for four people earlier. However, since the company claims my check-in was no longer valid, it is inconsistent to assume they were still traveling under my ticket.

2. Inconsistent and Unfair Assumption

If my Rejsekort was invalid at the time of inspection, then my family members could not have been expected to still be covered under my card.

Instead of assuming they had no valid tickets, the inspector should have asked each of them to present their own tickets before issuing fines.

3. Unusual Inspection Procedure

The inspector first asked for our 4 passports before informing me that I had no valid ticket and without ever checking anyone else's ticket.

This raises concerns about whether she had already assumed they were traveling illegally before properly checking the other 3 people's travel documents which she never checked.

You can check the recording on her camera to confirm that.

Request for Review

I kindly request that the Appeal Board review this case in light of the above points. At the very least, the fines for my sons and girlfriend should be reconsidered, as their tickets were never properly checked before the fines were issued. Their fines were issued to me (not to them) and she never even talked to any of them. I didn't have much time to understand fully what she was doing and to realize she was fining all of us and not only me.

When I wanted to raise my points she told me she could not see my card history, so she didn't know anything about my previous travel and her colleague told me to go on the website to explain those concerns because they could not do anything for me there.

So we never even got the chance to show her that my sons and my girlfriend had a valid ticket (she never asked).

I appreciate your time and consideration and look forward to your response.

I kindly request that the Appeal Board review this case in light of the above points. At the very least, the fines for my sons and girlfriend should be reconsidered, as their tickets were never properly checked before the fines were issued. Their fines were issued to me (not to them) and she never even talked to any of them."

Indklagede anfører følgende:

"The complainant who travelled together with his 2 sons were met by inspection February 14th, 2025, at 10:24 after the metro had left Øresund station and the inspector was told, that they were going to Lufthavnen station. The complainant presented a rejsekort which was checked in at Nørrebro station and out at Frederiksberg station.

As the complainant could not show a valid card and tickets for him and his sons inspection fees were issued according to the rules stated in the Joint National Travel Regulations.

From the [Joint National Travel Regulations](#), it appears:

.... under section **2.3. Purchase of travel document**

To be able to travel by train, bus metro and light rail, the customer must be in possession of a valid travel document.

.... under section **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.

.... under section **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.

When using rejsekort it is important that the user checks which stand is used and what appears on the display.



In this specific case where the complainant used a check-out stand, the display showed what the trip had cost (see the example above on the right) and did not give the message OK / have a nice journey, which would be the case had a check-in stand been used.

Based on the number of trips made (Rejsesekv.nr.), the complainant must be considered to be a competent, resident travel card user, and it must therefore be assumed that he is fully familiar with which stand to use and what should appear on the display.

Reg. udstyr dato/kl.	Modtaget. system dato/kl.	Regnskabsperiode	Handling	Transakt.type	Kortnr.	Kortsekv.nr.	Rejsekv.nr.	Lokation	Udstyr / -nr.
17-02-2025 15:32:57	17-02-2025 16:57:26	01-02-2025	Check ud	Check ud	308430	633	253	Nørrebro St.	VAL_66991 - 1399ED
17-02-2025 15:32:57	17-02-2025 16:57:26	01-02-2025	Tank-op-aftale	Tank-op-aftale	308430	632		Nørrebro St.	VAL_66991 - 1399ED
17-02-2025 14:54:35	17-02-2025 15:43:48	01-02-2025	Check ind	Check ind	308430	631	253	Københavns Lufthavn	VAL_23706 - 13F5EF
17-02-2025 14:54:35	17-02-2025 15:43:48	01-02-2025	Check ind	Check ind	308430	630		Københavns Lufthavn	VAL_23706 - 13F5EF
14-02-2025 10:28:21	14-02-2025 10:50:59	01-02-2025	Kontrolmærke	Kontrol	308430	629		Øresund St.	MARK_63504 - 098FFA
14-02-2025 10:26:40	14-02-2025 10:50:59	01-02-2025	Kontrolmærke	Kontrol	308430	629		Øresund St.	MARK_63504 - 098FFA
14-02-2025 10:25:49	14-02-2025 10:50:59	01-02-2025	Kontrolmærke	Kontrol	308430	629		Øresund St.	MARK_63504 - 098FFA
14-02-2025 10:24:27	14-02-2025 10:50:59	01-02-2025	Kontrolmærke	Kontrol	308430	629		Øresund St.	MARK_63504 - 098FFA
14-02-2025 10:06:21	14-02-2025 10:20:59	01-02-2025	Check ud	Check ud	308430	629	252	Frederiksberg St.	VAL_66840 - 1399EA
14-02-2025 09:57:20	14-02-2025 11:25:11	01-02-2025	Check ind	Check ind	308430	628	252	Nørrebro St.	VAL_66986 - 13F983
14-02-2025 09:57:20	14-02-2025 11:25:11	01-02-2025	Check ind	Check ind	308430	627		Nørrebro St.	VAL_66986 - 13F983
13-02-2025 14:30:16	14-02-2025 04:23:03	01-02-2025	Check ud	Check ud	308430	626	251	Glasvej	VAL_55170 - 133CSB
13-02-2025 14:28:55	13-02-2025 14:59:06	01-02-2025	Kontrolmærke	Kontrol	308430	625	251	Nørrebro St.	MARK_NOV_M_S_357645762612506 - 0985BF

This is of course a very unfortunate mistake on the part of the complainant, but since it is a self-service system, the customer himself is responsible for having correctly checked in for himself and his fellow travelers, and for being able to present this upon request.

In this specific case, we have assessed that it was the complainant's intention to take the metro all the way to the airport, and we would thus have lost revenue in relation to this journey. This assessment has been made on the basis of the complainant's information to the inspector in the control situation where it upon request was told that they were going to the Airport, and the control fees were therefore issued to Lufthavnen station, zone 04.

Based on the above we therefore maintain that the inspection fees for the complainant and his 2 sons were correctly issued, which is why we maintain our claim for a total of DKK 1,500."

Til dette har klageren anført:

"There are many inaccurate and false statements in what the metro is saying.

1. "As the complainant could not show a valid card and tickets for him and his sons inspection fees were issued according to the rules stated in the Joint National Travel Regulations."

This is not true because I was never asked to show a ticket for my sons, and my sons were never asked to

show any ticket. they are 14 and they are perfectly able to show their own ticket that i am sure they had purchased at Frederiksberg station.

2. The Assumption that the ticket i had an Nørrebro station was inclusive of my 2 children can't be proved. That ticket was for 2 other friends. I met my sons in Frederiksberg and they had their own ticket. Following their own rules, those are therefore to be taken as 2 different trips.

I ask that you recognize metro mistake in assuming that my previous travel is in any way related to the one in question.

3. The woman from metro didn't tell me that my ticket was invalid, she only asked for my passport and asked me who i was travelling with, then she asked for all the passport, still no one knew what was going on. I understood she was making a fine only when we were at the airport and my children were already gone, then it was too late to show her my children tickets. **I gave her my children passport because she asked, not because they were without a ticket, since she NEVER asked them for a ticket and she didn't ask me for their ticket.**

4. while i may be responsible to pay a fine for my children if they don't have a ticket, I am NOT responsible for also buying that ticket while they are travelling since they can travel by themselves. And **if she is not asking them for a ticket, she can't assume that they don't have one, just because we travel in the same group.** My children had a ticket and they were never asked to show it, and I was not asked to show their ticket either. She (and metro selskabet) just assumed because she saw a previous travel in my card. “

Til dette har indklagede anført:

“We note at the outset that the complainant is now presenting changed explanations in relation to ticketing and the presentation of tickets.

The complainant stated in his first inquiry to us that he had checked in 4 people and that he was traveling with his family (his 2 sons and a Ukrainian refugee from Austria) and that they were traveling from Nørrebro and were going to the airport.

The complainant checked in at Nørrebro station and assumed – unfortunately incorrectly – that he had checked in again when transferring at Frederiksberg station.

The complainant was therefore unable to present valid travel documentation for himself and his company when met by inspection.

The complainant now changes his explanation in his latest submission to the Appeals Board and states that he met his 2 sons at Frederiksberg in connection with the transfer and that the 2 children the complainant had originally checked in were for 2 other friends. The complainant also states that his 2 sons had their own tickets.

the complainant is now changing his explanation and if the latest statement was correct, why did the sons not present their tickets, why did they accept the inspection fees and why was this information not included in the complainant's original inquiry to us of February 18th, 2025?

Due to these new allegations, we have - quite extraordinarily - chosen to offer the complainant the opportunity to review the case once again, provided that he can provide documentation on behalf of his sons that they were in possession of valid tickets at the time of ticketing.

In a situation as described by the complainant, where the sons should have had their own tickets, it would have been quite natural for them to present these tickets upon on the inspection.

We were not present at the time and therefore cannot know what was specifically said and by whom. However, we are surprised that the complainant is now presenting a new explanation in relation to what was originally stated.

At the time of ticketing, the complainant was not aware that he had mistakenly checked out when transferring at Frederiksberg station and stated in his first contact with us that he showed that he had checked in 4 people, and he was 100% sure that they had valid travel documents.

The complainant stated precisely in his original inquiry to us: "I gave her my card and I knew I checked in for 4 people and I told her exactly what people".

When our inspectors are ticketing check tickets, they ask to see cards or tickets, and everyone is expected to present their valid cards or tickets, without having to approach each person in a company and specifically ask to see their valid travel document.

In addition, we, who were not present, cannot know whether it had already been initially informed that everyone in the company had been checked in together upon boarding at Nørrebro station, which the complainant's comment – see above – could suggest.

Based on previously submitted information and the above, we maintain our claim of DKK 1,500."

Til dette har klageren anført:

"Once again the metro company is making wrong assumptions NOT based on facts.

I was travelling with my family, but I **never** said that I had tickets for my sons in my card.

First of all, if metro says I had no ticket, it is absolutely irrelevant who was travelling with my card in my previous trip.

Just to be clear, my previous trip from Nørrebro to Frederiksberg was paid with my card for me, my ukrainian girlfriend and her 2 daughters. My other 2 sons joined us in Frederiksberg.

When the metro woman asked me for my ticket I pointed my girlfriend and her daughters.

Then she asked me who I was travelling with. I told her I was travelling with my sons, because that was simply the truth. I traveled with my sons, my girlfriend traveled with her daughters. But I **never told her I was in possession of my son's ticket** (this was not a request related to the ticket, since she didnt tell me I was missing a ticket).

She checked the ticket of my girlfriend whom told her I had her ticket.

She asked for my passport, the one of my sons and thd one of my girlfriend. I assumed it was because my card has a name on it and no picture, so it is quite normal that **she wanted to check that my name was the same on the rejsekort.**

She never asked for tickets to my sons, nor to my girlfriend's daughters.

Now she took our passports and started to do her business. None of us understood what she was doing as she never said anything about the missing tickets until much later.

When I realized what she was doing I tried to explain (she only spoke danish and it was a hard and slow conversation for me).

When we arrived at the airport she was still not finished writing, we got out of the train and the 4 youngsters left us still without knowing what was going on. Obviously my sons threw away the ticket as none of us knew they could be fined while holding a valid ticket. **I am actually almost sure that her colleague checked my son's tickets** coming from the othef side of the train, which is also why nobody was expecting the mess that this metro woman made.

I had a flight to catch so her colleague told me to write to the metro website to fix the issue because now it was too late.

Only much later during my vacation I realized that she fined my sons instead of my girlfriend's daughters which is completely wrong and unacceptable. It was her mistake to assume my kids had no ticket and not asking any of us for their ticket.

Like metro says I had no valid ticket, so they can fine me and all the people they want, but can't fine my sons as they had a valid ticket. I am not responsible for their ticket since they are over 14 and they can travel on their own.

I hope this clarify what happened and I would ask that the metro company acted more professionally and stopped making assumptions that are not based on fact. I would in addition also like that metro company abstained from assuming who is part of my family and who is not part of it because that is a quite rude behavior."

Til dette har indklagede anført:

"We are very surprised that every time the complainant comments on the case, new and changed information/explanations are submitted.

In the very first inquiry from the complainant to us on February 18, 2025, it was stated

- that 4 inspection fees were issued when the complainant had unfortunately checked out on his Rejsekort, which presumably should have been a check-in for the continued journey, as according to the common nationwide travel rules, check-in must be carried out in connection with each transfer – in this case, a transfer at Frederiksberg station
- that the complainant was traveling with his family (2 sons and a Ukrainian refugee) from Nørrebro and that they were going to the airport
- that the complainant knew that he had checked in 4 persons, and told the steward at the time of ticketing exactly which persons he had checked in for
- that the complainant was not aware that he had mistakenly checked out instead of checked in continued
- that it was simply not possible for the complainant to have checked out at Frederiksberg, as they did not have time to stop and check out and then go back to the metro

In the subsequent inquiry also dated February 18, 2025, from the complainant, it appeared that

- that the complainant had forgotten to refer to the inspection fees identification numbers for his 2 children and his girlfriend

After the inspection fees had been upheld during the case processing in customer service, the complainant took the case to the appeal board, and the complaint form – received by us on February 25, 2025 – stated:

- that the complainant now claims that the steward had not checked his family's tickets ... **but**, he had already stated in his first inquiry to us that he had told the steward exactly what people was checked in on the Rejsekort departure from Nørrebro station
- that the complainant claims that all 4 inspection fees were issued to him ... **but**, this is not the case, the inspection fees were issued to the respective persons (the complainant's girlfriend and the complainant's 2 sons)

Following our comments on the complainant's objection/explanation to the appeal board, the complainant sent a new email to the appeal board on March 17, 2025, saying:

- that the complainant had never been asked to show valid travel documents for his sons
... **but**, he had already (see the inquiry of February 18, 2025) stated who the 4 he had checked in at Nørrebro station exactly were
- that the complainant now refers to the fact that the 2 children who were checked in on his Rejsekort were the children of 2 friends
... **but**, here we must again refer to the complainant's inquiry of February 18, 2025
- that he met his sons in Frederiksberg, and was sure they had purchased their own ticket at Frederiksberg station
... **but**, again we must refer to the complainant's inquiry of February 18, 2025, where the complainant himself stated "*I was travelling with my family (my 2 sons in spectrum and my ukrainian refugee visiting from Austria) from nørrebro to go to the airport ...*"
- that the complainant refers in his inquiry to the fact that the steward did not state that his travel document was invalid
... **but**, the complainant himself referred in his inquiry of 18 February 2025 to the fact that he got fined as the steward said that his Rejsekort was checked out at Frederiksberg station
- that the complainant again claims that his sons were not asked to show their tickets, and that the sons had boarded at Frederiksberg and had their own tickets there, but were not asked to show these
... **but**, again here we must point out that the complainant (see the inquiry of 18 February 2025) named the persons he had originally checked in before boarding at Nørrebro Station. Furthermore, the complainant, cf. our response of 26 March 2025, has been offered (quite extraordinarily) to provide proof of his sons' purchase of the tickets he states and stated that his sons had been in possession of, after which we will look at this part of the complaint again

Following our comments on the complainant's inquiry, the complainant submitted a new objection/explanation on March 29, 2025, stating:

- that the complainant's previous trip from Nørrebro to Frederiksberg was paid for with his Rejsekort and here he had checked in for his Ukrainian girlfriend and her 2 daughters – his 2 sons joined the party in Frederiksberg
... **but**, here we must again point out that the complainant was initially not aware that he had made a check out at the transfer at Frederiksberg and that he had - see the complainant inquiry of February 18, 2025 – pointed out exactly the persons he was travelling with and for whom he had checked in at Nørrebro. If he had travelled with his girlfriend's 2 daughters, it would of course have been them who had been issued the inspection fees instead of the complainant's sons
- that the complainant again claims that the steward did not ask about the sons' valid travel documents
... **but**, according to the complainants' own information (February 18, 2025), this was of course due to the fact that the complainant had already designated from the start who he was travelling with and who was covered by the complainant's check-in on his travel card, where he had checked 2 adults and 2 children in at Nørrebro. Unfortunately, when changing at Frederiksberg, he made a check out instead of checked in for the continued journey, which is why the company no longer had a valid travel permit

- that the complainant claims that the steward only spoke Danish, which is not correct – the inspector in question is Swedish and speaks very good English, and prefers, when possible, to conduct the conversation in English instead of Danish.

For the record, we would like to point out that our staff of inspectors are not allowed to take into consideration why a passenger may not be able to present a valid travel document - our staff are instructed to issue a control fee to anyone who cannot present a valid ticket or card upon request. Should a passenger believe that an imposed inspection fee has been issued on an incorrect basis, the request can subsequently be made to customer service - contact information for customer service can be found on the inspection fee that is issued during the ticketing process.

Based on our previous correspondence and the above, we maintain the issued inspection fees, as we have primarily taken the complainant's first inquiry, as the complainant has changed explanations in the case several times along the way. Our claim is thus unchanged 750 DKK + 2 x 375 DKK, a total of 1,500 DKK."

Til dette har klageren anført:

"I am very surprised that after explaining myself several times, the metro company continues to misunderstand and misinterpret my statements and assuming wrong things about me, my family and the fact happened on the day.

To simplify, I assume and claim that all of the last statements from the last response from the metro company are wrong because they start from the wrong basic assumptions that I was travelling with only 2 children.

I was in fact travelling with 4 children, all of whom I refer to as MY children, regardless of what the metro company continues to try and differentiate from which biological parent they come from.

The situation is quite simple and if they stop overcomplicating it, we will all have a better experience.

I was travelling with 4 children and one adult.

I had a ticket for 2 children and 2 adults. The other 2 children were on their own and had their own ticket. That is all.

If they want their tickets they should have asked them on the day instead of giving **ME** a fine in their name without my or their knowledge. I am not complaining about my fine or the one for my ukrainian friend (which they call "my ukrainian refugee", in a very disrespectful way).

They made a mistake asking me for the tickets of my other 2 children but giving a fine to the 2 children that actually had a ticket. I am asking them to rectify this mistake and cancel their fine since they were never even involved in this on that day, they had their ticket and I was never asked to show them. I would even go as far as assuming that they were successfully checked on that day if the inspector were doing their job right.

So please cancel the fines to my 2 children who had the ticket.

The inspectors should have checked the picture on the passports when I gave them to them (remember I was not asked to give passport to issue a fine, but merely to do a passport check, so I had no idea which passports they needed), instead they decided to ignore that and therefore it is their mistake that they issued the fine to the wrong people.

Since I received the fines several minutes after everyone had already left the train, the 2 children without ticket had already left the train when we got the fine

Last point, I don't have to show them any ticket now since in your rules you state: "Billetter og kort skal kunne vises frem for kontrolpersonalet under hele rejsen, samt ved udstigning i metro og tog indtil stationens område forlades.". And we are not required to show a ticket now after several weeks."

Til dette har indklagede anført:

"Hereby our comments to the complainant's latest email.

First, we must state that we had no intension of being disrespectful when writing "my ukrainian refugee" - we were only referring to what the complainant himself stated in his request of February 18, 2025.

Hi,
I got fined for 4 people because the woman said my card was checked out a few minutes earlier at frederiksberg.
I was travelling with my family (my 2 sons in the spectrum and my ukrainian refugee visiting from Austria) from nørrebro to go to the airport, we had a plane leaving less than 2 hours after she fined us.
I gave her my card and I knew I checked in for 4 people and I told her exactly what people I was checking. This shows that I was 100% sure that I had my valid ticket. Then she suddenly says that we have no ticket, she shows me that I checked in in nørrebro and checked out in frederiksberg. I explain that that would make no sense because we are going to the airport

Furthermore, we must again refer to the complainant's inquiry of February 18, 2025, in which the complainant states that he informed the steward exactly which persons he had checked in for on his rejsekort.

Hi,
I got fined for 4 people because the woman said my card was checked out a few minutes earlier at frederiksberg.
I was travelling with my family (my 2 sons in the spectrum and my ukrainian refugee visiting from Austria) from nørrebro to go to the airport, we had a plane leaving less than 2 hours after she fined us.
I gave her my card and I knew I checked in for 4 people and I told her exactly what people I was checking. This shows that I was 100% sure that I had my valid ticket. Then she suddenly says that we have no ticket, she shows me that I checked in in nørrebro and checked out in frederiksberg. I explain that that would make no sense because we are going to the airport

If the complainant during the ticket process had referred to the fact that it should have been the complainant's girlfriend's 2 daughters, he original had checked in on his rejsekort, the steward would of course not have issued control fees in the boys' names, but in the girls' names.

Based on our earlier statements and the above we maintain our claim of 1.500 DKK."

Til dette har klageren anført:

"Yes, I told the steward exactly who I checked in, so I don't know why she issued the fine to the wrong people.

Again I would like to remark that "who I'm travelling with" and "who I checked in with my card" it doesn't have the same meaning and although I was travelling to Italy with my sons, my friend daughters were coming to say goodbye to us at the airport so the were WITH us but not travelling with us"

På ankenævnets vegne



Lone Bach Nielsen
Nævnshoved