

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer:	25-0091
Klageren:	XX 1926 Frederiksberg
Indklagede: CVR-nummer:	Metroselskabet I/S v/Metro Service A/S 21 26 38 34
Klagen vedrører:	Kontrolafgift på 750 kr. grundet rejse før påbegyndt gyldighedsperiode på pendlerkort
Parternes krav:	Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at hun havde bestilt et pendlerkort i DOT-appen i den tro, at det ville være gyldigt med det samme og ikke først to dage senere, hvilket var tilfældet Indklagede fastholder kontrolafgiften
Ankenævnets sammensætning:	Nævnensformand, 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 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 havde den 10. februar 2025 kl. 07:32 købt et pendlerkort i DOT-appen med gyldighed i 30 dage. Hun regnede derfor med, at kortet ville være gyldigt med det samme. Imidlertid var pendlerkortet først gyldigt fra den 12. februar 2025 kl. 00:00, hvilket var i forlængelse af det foregående pendlerkort, som skulle have været gyldigt fra den 13. januar 2025 og frem til den 12. februar 2025. Dette kort var dog blevet annulleret af klageren selv den 23. januar 2025, hvorefter hun havde fået refusion for resten af perioden på kortet.

Ved bestilling af pendlerkortet den 10. februar 2025 fornyede klageren sit pendlerkort, som hun var vant til, ved blot at vælge et pendlerkort i forlængelse af det foregående. Men da det tidligere pendlerkort havde en planlagt udløbsdato den 12. februar 2025, blev denne dato startdatoen på det nye pendlerkort.

Loggen fra klagerens køb viser, at kortet var gyldigt fra den 12. februar 2025 kl. 00:00:

Ordreinformation

Billetinformation

Billets information

BILLETTYPE:

Pendlerkort

PASSAGERTYPE:

Voksen

STAMKORTNUMMER:

STARTZONE:

IKKE OPLYST

BILLETNUMMER:

SLUTZONE:

IKKE OPLYST

VARENUMMER:

540

ANTAL GYLDIGE ZONER:

2

BILLETSTATUS:

Udløbet

GYLDIGE ZONER:

1001, 1003

BILLET GYLDIG FRA:

12 Feb 2025 - 00:00:00

SØGEMETODE FRA:

Søgning på adresse: Sankt Markus Alle (Vodroffsvej)

BILLET GYLDIG TIL:

14 Mar 2025 - 03:59:59

SØGEMETODE TIL:

IKKE OPLYST

PRIS:

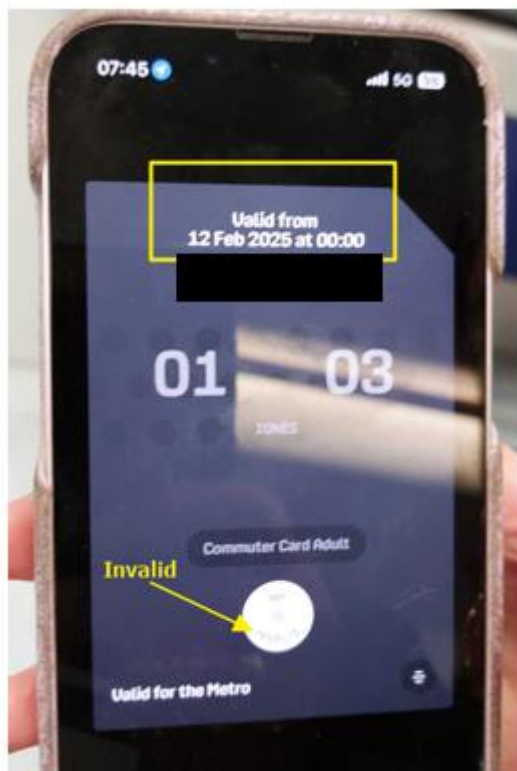
525,00 kr.

Billethistorik

Status	Handling	Tidspunkt
Gennemført	Ordre modtaget	10 Feb 2025 - 07:32:29
Gennemført	Betaling gennemført	10 Feb 2025 - 07:32:39
Gennemført	Betaling autoriseret/reserveret	10 Feb 2025 - 07:32:39
Gennemført	Salgskvittering sendt	10 Feb 2025 - 07:32:40
Gennemført	Economy salg oprettet	10 Feb 2025 - 07:32:40
Gennemført	EBK salg er oprettet	10 Feb 2025 - 07:32:40
Gennemført	EBK salg er registeret	10 Feb 2025 - 07:32:40
Gennemført	Economy salg registreret	10 Feb 2025 - 07:32:41
Gennemført	Billet åbnet	10 Feb 2025 - 07:32:42
Gennemført	Download af billet bekræftet	10 Feb 2025 - 07:32:42

Den 10. februar 2025 steg klageren om bord på Metroen, og da der var kontrol af hendes rejse- hjemmel, blev hun kl. 07:44 pålagt en kontrolafgift på 750 kr., idet pendlerkortet endnu ikke var gyldigt.

Foto af det fremviste pendlerkort, hvor det fremgår "Valid from 12 Feb 2025 at 00:00" samt teksten "Invalid" i den hvide cirkel:



Uddrag af den elektroniske kontrolafgift:

```
<FeeDate>2025-02-10T07:44:30.6370000</FeeDate>
<Line>M1/M2</Line>
<StationFrom>Sundby</StationFrom>
<StationTo>Bella Center</StationTo>
<Adult>true</Adult>
<Child>false</Child>
<NumberOfBikes>0</NumberOfBikes>
<NumberOfDogs>0</NumberOfDogs>
<Cause>Ugyldig</Cause>
<UnequalZones>false</UnequalZones>
<PaidCash>false</PaidCash>
<Amount>750</Amount>
<Cancelled>false</Cancelled>
<ChangedComment/>
<PaymentReceivedByUser/>
<Note/>
<TicketType>Mobilbillet</TicketType>
```

Klageren anmodede efterfølgende Metro Service om at annullere kontrolafgiften, da hun ikke havde været klar over, at kortet først var gyldigt fra den 12. februar 2025, da hun troede, at det ville være gyldigt på samme tidspunkt, som det var købt, nemlig den 10. februar 2025 kl. 07:32.

Klagen til Metro Service:

”

On the morning of February 10th at 7:32 am, I renewed my ticket via the DOT tickets app and entered the train at Forum station at 7:34 am. When the train conductor came to check my ticket, she informed me that my ticket was only valid from February 11th, which was a surprise to me. I've always followed the same renewal process by selecting "purchase history," then renewing from my most recent ticket (this time being January 13th). Historically, this process has always generated a ticket valid for the current date.

Unfortunately, this time it showed the ticket as valid only from February 11th, which I was unaware of. I immediately showed the conductor my "DOT tickets app receipt", which clearly shows the time of my ticket purchase. Despite this, I was informed that I still had to pay a fine. As someone who takes the train every day for work, I believe this situation is unfair, especially as I have always paid for my tickets and never intentionally skipped payment. Thank you for your consideration to this case. I do have all email necessary so please let me know if i need to provide it

”

Metro Service fastholdt kontrolafgiften med henvisning til selvbetjeningsprincippet samt årsagen til, at klagerens pendlerkort først var gyldigt fra den 12. februar 2025, var fordi klageren havde bestilt en forlængelse af det foregående pendlerkort, som stod til at udløbe denne dato:

”

You have received an inspection fee, as you were unable to present a valid ticket or commuter card during a ticket inspection in the metro.

Like all other means of public transportation in the greater Copenhagen area, the Copenhagen Metro employs a self-service system, where the passenger is responsible for being in possession of a valid travel card or ticket before boarding the train.

From the copy of your commuter pass, it is evident that the commuter pass was not valid at the time of inspection.

From your purchase history I can see that your old commuter card, which has been partially refunded, was originally set to expire at 03:59 on 12/02-25. If you tried to renew your commuter card from this old commuter card, then it is probably the reason why the app set the start date for the new commuter card to be 12/02-25, the same day the old card expired.

However, it is still your responsibility to check the validity dates before you accept the purchase of the commuter card, as well as to check whether you have received a valid commuter card before entering the metro.

”

Derpå indbragte klageren sagen for ankenævnet og fastholdt, at hun i god tro havde forventet, at kortet var gyldigt fra købstidspunktet.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Ankenævnet lægger til grund, at klagerens pendlerkort var gyldigt fra den 12. februar 2025 kl. 00:00, hvilket stod på kortet.

Da klageren steg ombord på Metroen om morgenen den 10. februar 2025, var hendes pendlerkort således endnu ikke gyldigt, hvilket hun havde kunnet se øverst på pendlerkortet, hvor der stod "Valid from 12 Feb 2025 at 00:00" samt på teksten "Invalid" i den hvide cirkel midt på pendlerkortet, hvis hun havde undersøgt, om kortet var gyldigt inden påstigning.

Kontrolafgiften til klageren for rejse uden for gyldighedsperioden på pendlerkortet blev dermed pålagt med rette.

Den omstændighed, at klageren havde købt og betalt pendlerkortet forud for rejsen den 10. februar 2025, ændrer ikke herved.

Ankenævnet bemærker yderligere, at klageren ifølge egne oplysninger bestilte pendlerkortet ved at vælge en forlængelse af det kort, hun tidligere havde haft. Dette kort skulle være udløbet den 12. februar 2025, men var blevet refunderet den 23. januar 2025. Ved at benytte denne metode til bestilling af pendlerkortet, finder ankenævnet, at klageren ikke med rette kunne gå ud fra, at kortet ville være gyldigt straks efter bestilling.

Det er ikke en betingelse for at pålægge en kontrolafgift, at passageren bevidst har søgt at unddrage sig at betale for rejsen, og som følge af den oplagte mulighed for omgåelse af kravet om, at pendlerkort skal være gyldigt ved påstigning på transportmidlet, finder ankenævnet, at der ikke har foreligget sådanne særlige omstændigheder, at kontrolafgiften skal frafaldes.

Forbrugerrådets repræsentanter udtaler:

"Da klageren i kontrolsituationen ikke kunne påvise gyldig rejsehjemmel, blev afgiften pålagt med rette. Forbrugerrepræsentanterne mener imidlertid, 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 pendlere, der er trofaste kunder, men som har begået en mindre fejl i dette komplekse system.

I den konkrete sag, mener forbrugerrepræsentanterne, at der i den efterfølgende sagsbehandling skulle have været lagt særlig vægt på, at klageren er pendler og havde et pendlerkort, hun havde bestilt, som hun plejer, men som på grund af en ferie først var gyldigt få dage senere."

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 would like to explain my situation in detail. I commute daily on the M1 from Forum Station to Bella Station for work. However, I was on leave for two weeks to care for my sick father in my hometown and returned to Denmark on February 7th. If required, I can provide my passport with the customs stamp confirming my departure and re-entry dates.

Upon my return, I fell ill but still decided to go to work on February 10th. As usual, I renewed my Metro ticket through the DOT Tickets app. I followed the same renewal process I have always used—selecting “purchase history” and renewing from my most recent ticket (January 13th). Historically, this method has always generated a ticket valid from the current date, so I did not double-check the details before confirming the purchase.

Unfortunately, this time the ticket was issued with a validity start date of February 11th, which I was unaware of.

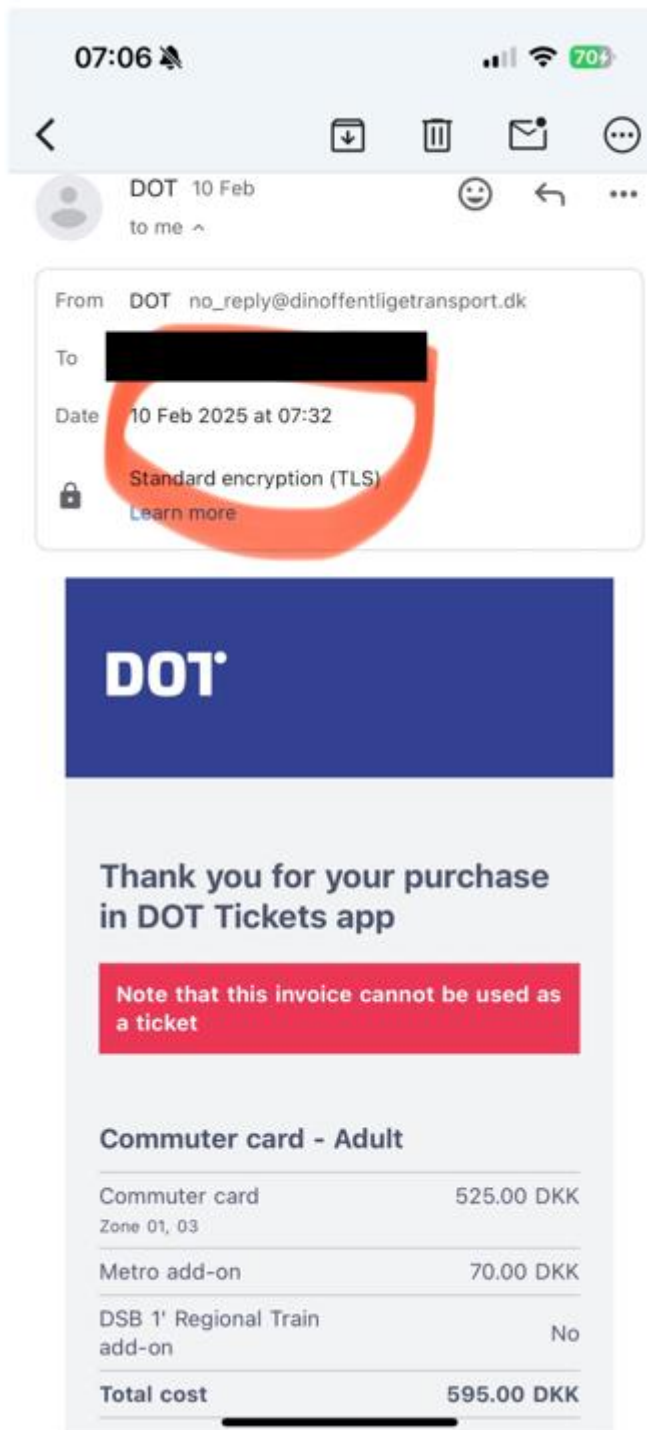
When the train conductor checked my ticket, she informed me that it was not yet valid. Surprised by this, I immediately opened my DOT Tickets app receipt and showed her the proof of my purchase, which clearly indicated the exact time of my ticket renewal. However, I was still issued a fine despite my honest mistake.

I fully acknowledge that passengers are responsible for ensuring they have a valid ticket before boarding. I also understand that fines are in place to discourage fare evasion. However, in my case, it was never my intention to travel without a valid ticket. I have always followed the rules, and this was a genuine misunderstanding due to illness and an assumption that the renewal process worked as it had in the past. The night before, I was unwell and coughing, and my mind was not as clear as usual. I did not remember the exact date and mistakenly assumed that the renewal process would work as it always had. Moreover, I have taken the same train at the same time on many occasions, and I am well aware that ticket checks are routinely conducted on Monday mornings. This alone shows that I had no intention of avoiding the fare, as it would not make sense to do so for a single day.

I sincerely request that you reconsider my case, as I believe each appeal should be reviewed individually. While I accept the importance of following the rules, I hope you will take into account that this was a genuine, unintentional mistake. The fine of 750 DKK is a significant amount for me, and I kindly ask if any leniency can be granted under these circumstances.

Thank you for your time and consideration. I appreciate your fair review of my case and look forward to your response.

Please find my receipt for the payment



”

Indklagede anfører følgende:

"The complainant was ticketed on 10 February 2025 at 07:44 after the metro had left Sundby station in the direction of Bella Center station. During the inspection, the complainant presented a commuter pass on her phone, which was only valid from 12 February. Since the complainant did not have any other form of ticket or pass, an inspection fee was issued in accordance with applicable regulations.

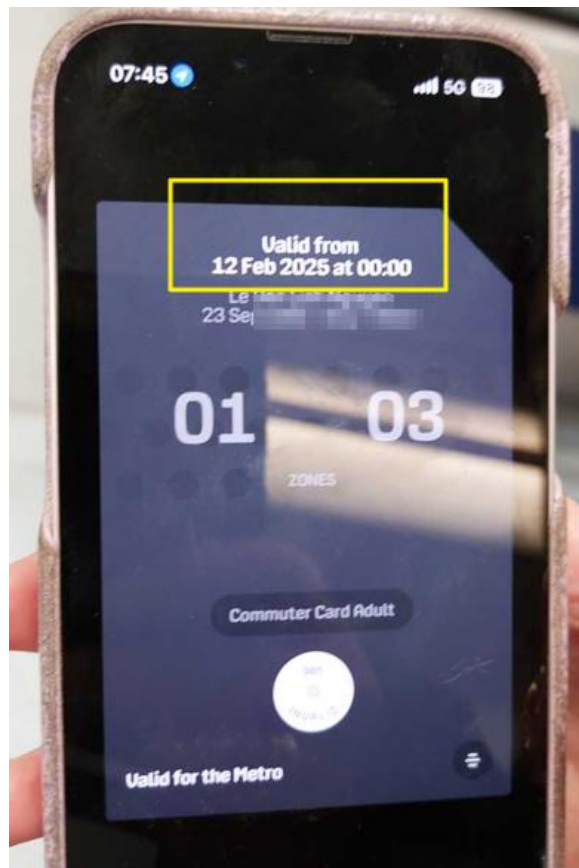
In relation to the inspection fee itself, it can be stated that the Metro – like the other public transport in the Capital Region – operates on a self-service system, where it is the passenger's own responsibility to secure a valid ticket or pass before boarding, which can be presented upon request.

In cases where a valid travel document cannot be presented upon request, it must be accepted to have 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 Capital Region. This is stated partly on the information boards posted at all metro stations and partly in the common travel rules for DSB, Metro and Movia, which are available on the DOT website [Joint-National-Travel-Regulations.ashx](#)

Initially, we must clarify an incorrect information that the complainant has described in her inquiries to both Metro and the appeal board; the complainant writes '*Unfortunately, this time it showed the ticket as valid only from February 11th*'.

But that is not correct. The steward took a photo of the pass presented and it was not valid until from February 12th at 00:00, see below and the attached pdf file.



We have obtained the relevant purchase history for the complainant's commuter pass from DOT. The three most recent commuter pass transactions can be seen below and are also attached as a pdf file.

The purple frame shows the commuter pass that the complainant purchased on January 13, 2025.

The commuter pass purchased on January 13 should have been valid until February 12 at 03:59, BUT the complainant received a partial refund for that pass - which is what the orange frame shows.

The green frame shows the commuter pass that the complainant presented to the steward, which was valid FROM February 12 at 00:00.

Gennemfart	Billet oprettet	Metrotillæg (2 zoner)	Se detaljer	Kunden	10 Feb 2025 - 07:32:29
Gennemfart	Pendlerkort oprettet	Pendlerkort (2 zoner)	Se detaljer	Kunden	10 Feb 2025 - 07:32:29
Gennemfart	Besked oprettet	Ticket Refunded	Se detaljer	Kundeservice	23 Jan 2025 - 09:34:45
Refunderet	Ordre/billet refunderet		Se detaljer	Kunden	23 Jan 2025 - 09:34:44
Gennemfart	Billet oprettet	Metrotillæg (2 zoner)	Se detaljer	Kunden	13 Jan 2025 - 07:31:25
Gennemfart	Pendlerkort oprettet	Pendlerkort (2 zoner)	Se detaljer	Kunden	13 Jan 2025 - 07:31:25

Ordreinformation

Billetinformation

Billet information

BILLETTYPE:

Pendlerkort

STAMKORTNUMMER:

BILLETNUMMER:

VARENUMMER:

540

BILLETSTATUS:

refunderet

BILLET GYLDIG FRA:

13 Jan 2025 - 07:31:35

BILLET GYLDIG TIL:

12 Feb 2025 - 03:59:59

PRIS:

510,00 kr.

PASSAGERTYPE:

Voksen

STARTZONE:

IKKE OPLYST

SLUTZONE:

IKKE OPLYST

ANTAL GYLDIGE ZONER:

2

GYLDIGE ZONER:

1001, 1003

SØGEMETODE FRA:

Søgning på adresse: Sankt Markus Alle
(Vodroffsvej)

SØGEMETODE TIL:

IKKE OPLYST

Billethistorik

Status	Handling	Tidspunkt
Gennemført	Ordre modtaget	13 Jan 2025 - 07:31:24
Gennemført	Betaling gennemført	13 Jan 2025 - 07:31:35
Gennemført	Betaling autoriseret/reserveret	13 Jan 2025 - 07:31:35
Gennemført	Salgskvittering sendt	13 Jan 2025 - 07:31:36
Gennemført	Economy salg oprettet	13 Jan 2025 - 07:31:36
Gennemført	Economy salg registreret	13 Jan 2025 - 07:31:36
Gennemført	EBK salg er oprettet	13 Jan 2025 - 07:31:36
Gennemført	EBK salg er registreret	13 Jan 2025 - 07:31:36
Gennemført	Download af billet bekræftet	13 Jan 2025 - 07:31:38
Gennemført	Billet åbnet	13 Jan 2025 - 07:31:38



Ordreinformation

Billetinformati

Billetter tilknyttet ordren

Status	Navn	Passenger	Pris
● refunderet	Pendlerkort (2 zoner)	Voksen	510,00 kr.
● refunderet	Metrotillæg (2 zoner)	Voksen	70,00 kr.

Orderinformation

KØBSDATO:
13 Jan 2025 - 07:31:35

OVERFØRT:
Ordre ikke overført

DOT ORDRENUMMER:
[REDACTED]

ORDRE PRIS:
580,00 kr.

BETALINGSMETODE:
MobilePay

REFUNDERET BELØB:
212,67 kr.

MOBILEPAY TRANSAKTIONSNUMMER:
[REDACTED]

TILBAGEVÆRENDE BELØB:
367,33 kr.

REFUSIONS DATO:
01 Feb 2025

Kundeinformation på købstidspunktet

KUNDEID:
[REDACTED]

FØDSELS DATO:
[REDACTED]

TELEFONNUMMER:
[REDACTED]

MODEL:
iPhone 14

E-MAIL:
[REDACTED]

OS VERSION:
iOS 17.6.1

FORNAVN:
[REDACTED]

APP VERSION:
5.9.6

EFTERNAVN:
[REDACTED]

Beskeddetaljer

Se alle tilgængelige beskeddetaljer herunder.

Beskeddetaljer

Detaljer

BESKEDTYPE:

Kundeinformationer

PUSH NOTIFIKATION:

Ja

AFSENDT:

23 Jan 2025 - 09:01:30

BESKED ID:

3b95cc00-d6aa-4ea8-ac49-
89d3530ce45e

ANTAL MODTAGERE:

1

Ticket Refunded

Dear DOT customer,

We will refund you 212.67 for the following:

Commuter card Adult

Validity area: 1001, 1003

Validity period: 13.Jan.2025 07:31 - 12.Feb.2025 03:59

Valid in Metro: Yes

DSB 1 'Regional train supplement: No

Price: 580 kr.

The amounts are free of charge and VAT.

Your Commuter card is invalid from the time of refund.

Note that the time when you receive the refund depends on your bank's processing time.

For credit cards, this typically occurs within 1 - 5 days, while for Mastercard (and other debit cards) it can take up to 30 days.

Best regards, DOT

Ordre- og billetdetaljer

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

Ordreinformation

Billetter tilknyttet ordren

Status	Navn	Passenger	Pris
● refunderet	Pendlerkort (2 zoner)	Voksen	510,00 kr.
● refunderet	Metrotillæg (2 zoner)	Voksen	70,00 kr.

Orderinformation

KØBSDATO:
13 Jan 2025 - 07:31:35

OVERFØRT:
Ordre ikke overført

DOT ORDRENUMMER:
[REDACTED]

ORDRE PRIS:
580,00 kr.

BETALINGSMETODE:
MobilePay

REFUNDERET BELØB:
212,67 kr.

MOBILEPAY TRANSAKTIONSNUMMER:
[REDACTED]

TILBAGEVÆRENDE BELØB:
367,33 kr.

REFUSIONSdato:
01 Feb 2025

Kundeinformation på købstidspunktet

KUNDEID:
[REDACTED]

FØDSELSdato:
[REDACTED]

TELEFONNUMMER:
[REDACTED]

MODEL:
iPhone 14

E-MAIL:
[REDACTED]

OS VERSION:
iOS 17.6.1

FORNAVN:
[REDACTED]

APP VERSION:
5.9.6

EFTERNAVN:
[REDACTED]



Ordreinformation

Billetinformation

Billet information

BILLETTYPE:
Pendlerkort

STAMKORTNUMMER:
[REDACTED]

BILLETNUMMER:
[REDACTED]

VARENUMMER:
540

BILLETSTATUS:
Udløbet

BILLET GYLDIG FRA:
12 Feb 2025 - 00:00:00

BILLET GYLDIG TIL:
14 Mar 2025 - 03:59:59

PRIS:
525,00 kr.

PASSAGERTYPE:
Voksen

STARTZONE:
IKKE OPLYST

SLUTZONE:
IKKE OPLYST

ANTAL GYLDIGE ZONER:
2

GYLDIGE ZONER:
1001, 1003

SØGEMETODE FRA:
Søgning på adresse: Sankt Markus Alle
(Vodroffsvej)

SØGEMETODE TIL:
IKKE OPLYST

Billethistorik

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Gennemført	Download af billet bekræftet	10 Feb 2025 - 07:32:42

Ordreinformation

Billetter tilknyttet ordren

Status	Navn	Passenger	Pris
● betalt	Pendlerkort (2 zoner)	Voksen	525,00 kr.
● betalt	Metrotillæg (2 zoner)	Voksen	70,00 kr.

Orderinformation

KØBSDATO:
10 Feb 2025 - 07:32:39

OVERFØRT:
Ordre ikke overført

DOT ORDRENUMMER:

ORDRE PRIS:
595,00 kr.

BETALINGSMETODE:
MobilePay

REFUNDERET BELØB:
0,00 kr.

MOBILEPAY TRANSAKTIONSNUMMER:

TILBAGEVÆRENDE BELØB:
595,00 kr.

REFUSIONSDATO:
IKKE OPLYST

Kundeinformation på købstidspunktet

KUNDEID:

FØDSELSDATO:

TELEFONNUMMER:

MODEL:
iPhone 14 (iPhone14,7)

E-MAIL:

OS VERSION:
iOS 17.6.1

FORNAVN:

APP VERSION:
5.10.1

EFTERNAVN:

The complainant describes in her inquiries that on February 10, she simply did as usual and renewed by selecting 'purchase history'.

However, by doing as she usually did, the complainant ordered a continuation of the commuter card she had purchased on January 13 - and which had an expiration date of February 12 - which was therefore exactly what she received - a new commuter pass, which was valid in continuation of the old one - with validity from February 12.

You can order a commuter pass well in advance before and download it to your mobile device so that it is ready for use, but even though you have to pay for the commuter pass when ordering, the card is only valid from the date stated on the pass.

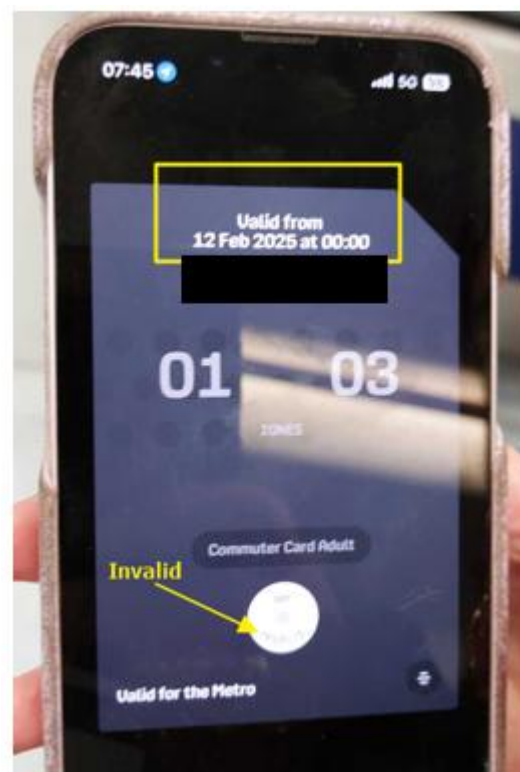
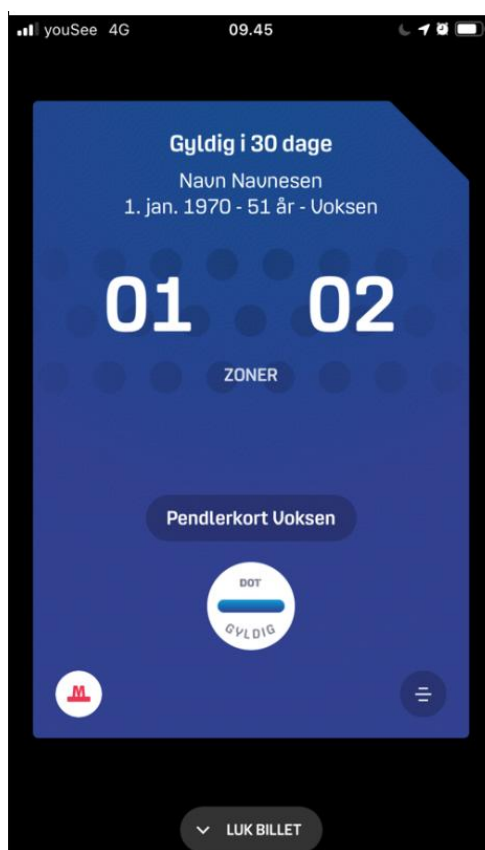
It is the passenger's own responsibility to ensure that the pass or ticket you have purchased also matches what you expected. This is described in section 2.4 of the travel rules:

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.

When you have a valid commuter pass on your phone, the screen is bright blue and the small gyroscope in the round white field moves in time with the phone, just as it says valid inside the white field.

An invalid commuter pass, on the other hand, is grey and motionless, just as it says invalid in the white field. See the difference between an active pass and the complainant's invalid pass below:



The complainant describes herself as an experienced commuter, which is also confirmed by the complainant's customer profile at DOT.

The information in the green frame from DOT 'Billet information' further above shows that the complainant opened the commuter pass on her phone immediately after the purchase - and thus the complainant was immediately able to determine that the commuter pass she was holding was grey and inactive and not blue and active.

Although we understand that it is a very unfortunate situation that the complainant has found herself in, we treat all customers equally in connection with all case processing.

We do not consider whether it is in good or bad faith, i.e., whether it is a conscious or unconscious act, whether the customer has previously received an inspection fee, has been a user of public transport for many years, just as illness, confusion and fatigue cannot be considered.

We only consider that before boarding it is the customer's responsibility to ensure that she has a valid travel document, which can be presented upon request.

Based on the above, we must therefore maintain that the inspection fee was correctly issued and correctly maintained in the subsequent case processing.

It is indisputable that the complainant has received a service that was not paid for, which is why we maintain our claim of 750 kr."

Til dette har klageren anført:

"It is consistent with what they explained to me previously. The issue arose because I misunderstood how the "re-buy" ticket function works in the DOT app. As a result, I mistakenly purchased a future-dated ticket starting from the 12th instead of the 10th. I believe this is an error that anyone could make, regardless of how long they have used the app — if you're not paying close attention, it's very easy to overlook.

I also feel that the explanation raises a question about my intent, particularly regarding the fact that I refunded my original ticket on January 23rd. It seems they suspect that I may have been traveling without a valid ticket from January 23rd until the inspection. However, please see the attached photo of my passport: I left Denmark on January 23rd and returned only on February 7th, which was a weekend.

I did not use any public transportation between the 7th and 9th. I resumed using the train only on Monday morning, the first working day after my return, the 10th. Unfortunately, I didn't notice the incorrect validity date on the ticket I re-purchased. I simply bought the pass without realizing it was not active yet. Of course, I opened the app to show the ticket when the conductor asked, but to suggest that I "opened the commuter pass immediately after purchase" as proof that I knew it was invalid feels like a mischaracterization of my intentions. It sounds as if I was being deceitful, which is deeply hurting.

As I previously showed, I purchased the ticket a few minutes before entering the train, while walking from home to the station. The timestamp on the email receipt supports this. It would not make sense for someone to try to cheat the system right before entering the train in such a visible way.

I am not claiming that I was entirely without fault—I fully understand it is my responsibility to ensure my ticket is valid. I have always done so in the past. I never intentionally tried to avoid paying. Everyone can make a mistake, and I truly believe that's why the Appeals Board exists: to fairly assess these individual situations.

I understand that a fine may still apply in a way, but 750 DKK for a single honest mistake feels excessively harsh. It makes me feel like I'm being treated as a criminal, even though I've never intentionally broken the rules. This situation has been heavy on me emotionally on the past month because I truly believe I've been treated unfairly.

Therefore, I am sorry for the inconvenience this might cause but I decline to withdraw my appeal. Doing so would feel like admitting to something I didn't do. I sincerely ask for your understanding and to reconsider my case. “

Til dette har indklagede anført:

“We apologize if the complainant feels offended and hurt by our response of 20 March, as that is of course not our intention.

In processing the case, we deal exclusively with facts; that is, whether a valid card or ticket can be presented in the control situation.

The reason for the lack of travel document is not relevant to the case unless errors and shortcomings on the part of the transport companies - in this case Metro - have made it impossible for the passenger to obtain a valid travel document before boarding.

In the specific case, the complainant herself bears responsibility for the fact that she did not have a valid travel document before boarding the metro on 10 February, and thus there are no special circumstances that could result in either a reduction or cancellation of the fee that was correctly imposed.”

Til dette har klageren anført:

“I am writing to confirm that I will not be withdrawing my case, as I believe the fine amount is too high given the circumstances. It was an honest mistake that occurred while I was unwell, and I accept responsibility for it. I am willing to pay a fine, but I kindly request a reduction, as it was never my intention to avoid paying the train fare.

I always make sure to buy a ticket, even if I am only traveling one stop beyond my zone. On occasions when I do not purchase a ticket, I make a point to get off within my paid zone and walk the rest of the way. It is a matter of personal integrity for me, I take pride in never cheating, even for a single penny, and never taking anything that does not belong to me.

I understand that not every case is treated exactly the same, and I trust that the system takes individual circumstances into account. That is why I have submitted my appeal.”

På ankenævnets vegne



Lone Bach Nielsen
Nævnensformand