

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer:	25-0201
Klagerne:	XX og YY London, UK
Indklagede:	Metroselskabet I/S v/Metro Service A/S
CVR-nummer:	21 26 38 34
Klagen vedrører:	2 kontrolafgifter på hver 750 kr. grundet rejse uden billet
Parternes krav:	Klagerne ønsker, at ankenævnet annullerer kontrolafgifterne, og gør gældende, at de ikke kunne finde en billetautomat på Lufthavnen st. og derudover ikke vidste, hvordan man købte billet til Metroen Indklagede fastholder kontrolafgiften
Ankenævnets sammensætning:	Nævnshoved, dommer Lone Bach Nielsen Dorthe Thorup Nikola Kiørboe Helle Berg Johansen Dorte Lundqvist Bang

Ankenævnet for Bus, Tog og Metro har på sit møde den 29. oktober 2025 truffet følgende

AFGØRELSE:

Metroselskabet I/S v/Metro Service A/S er berettiget til at opretholde kravet om klagerens betaling af to kontrolafgiften på hver 750 kr.

Klagerne skal betale beløbet til Metroselskabet I/S v/Metro Service A/S, der sender betalingsoplysninger til klagerne.

Da klagerne 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.

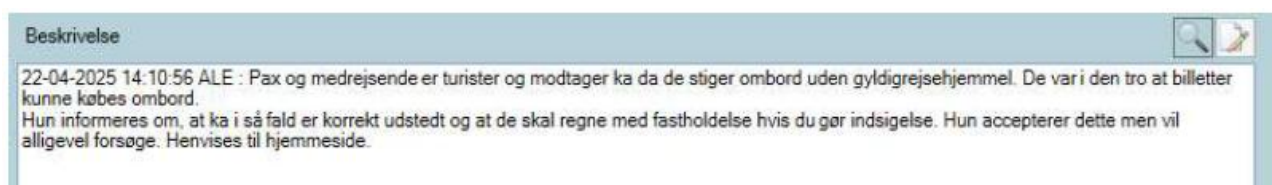
SAGENS OMSTÆNDIGHEDER:

Klagen omhandler et par fra England, der var på besøg i København, og skulle rejse med Metroen fra Lufthavnen st. den 17. april 2025.

Ifølge parret var de netop landet i Københavns Lufthavn og var fortsat mod Metroen, da de skulle til Nørreport st. På vejen hen til Metroen havde de ikke kunnet finde en billetautomat, og da de ankom til perronen, kunne de ligeledes ikke finde en billetautomat eller betjent billetsalg, hvor de kunne købe billetter. De besluttede sig derfor for at stige på Metroen med henblik på at købe billet ombord.

Imidlertid var der billetkontrol i Metroen. Da de to klagere ikke kunne fremvise gyldig rejsehjemmel, blev de hver pålagt en kontrolafgift på 750 kr.

Kontrolløren lavede følgende notat ved billetkontrollen:



Parret anmodede den 22. april 2025 Metro Service om at annullere kontrolafgifterne, og begrundede dette med manglende kendskab til billetsystemet, samt at de ikke havde kunnet finde en billetautomat ved Lufthavnen st.

Metro Service fastholdt kontrolafgifterne med henvisning til selvbetjeningsprincippet, samt vejledningen om billetkøb, som findes på dansk og engelsk på alle stationer. Metro Service anførte, at det på stationen var muligt at komme i kontakt med personale ved at benytte de gule kontaktpunkter.

Derpå indbragte de to klagere sagen for ankenævnet.

Metro Service har i forbindelse med ankenævns sagen fremlagt følgende fotodokumentation af informationen på Lufthavnen st. samt placering af billetautomat:

"But to get to the platform at the Airport Metro Station you have to pass the ticket machines and information boards, there are no other access routes to the platform.

In addition, the Airport Metro Station is also staffed by a uniformed steward with a yellow vest every day from early morning to late evening. See also the photos below:





At all platform doors at all metro stations, there is signage in Danish and English that warns you that you must have a ticket before boarding, see below:



We have attached a PDF file that shows what an information board looks like and draws particular attention to the sections below:



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 Rejsekort 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 Rejsekort 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:

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Scan QR-koden Scan the QR code

For mere information om driften lige nu, rejse regler samt Metroens øvrige aktiviteter, scan da QR-koden med din smartphone eller besøg www.m.dk/links.

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ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Ankenævnet lægger på baggrund af parternes oplysninger til grund, at klagerne steg på Metroen ved Lufthavnen st. uden gyldig billet, og at der kort tid herefter var billetkontrol. De to kontrolafgifter på hver 750 kr. blev dermed udstedt til klagerne med rette.

Det kan ikke føre til et andet resultat, at klagerne efter det oplyste var turister i København, da de ifølge selvbetjeningsprincippet selv bærer ansvaret for at undersøge hvordan billetsystemet fungerer og dermed sikre sig gyldig rejsehjemmel til deres rejse.

Ankenævnet bemærker, at der ved Lufthavnen st. findes billetautomater i synlig afstand fra peronen, og at man skal passere disse for at komme fra lufthavnen til Metrostationen. Derudover er der på stationen opsat informationstavler om billetkøb på dansk og engelsk.

Det er herefter ankenævnets opfattelse, at klagerne ikke uden at have undersøgt dette nærmere med rette kunne gå ud fra, at der kunne købes billetter ombord på 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 klagerne kan fritages for kontrolafgifterne.

RETSGRUNDLAG:

Ifølge § 2, stk. 1, jf. § 3 nr. 3 i lovekendtgørelse 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:

Klagerne anfører følgende:

”I am writing regarding a fine that my partner and I were issued on 17/04/25. My apologies if the ticket number referenced on this form references his name instead of mine. I am writing for both tickets and cannot distinguish which of the two is for each person. Our tickets were issued from the airport to Norreport station at around 4 pm. It was our first time riding the metro, and we could not work out how to get a ticket. We come from London, where there are lots of machines and authorities around to help issue tickets, and thus we were very lost and confused when we reached Denmark, as there were no ticket machines on the platform or anyone from the train company to help. We hopped on the train, hoping to find an inspector, and when we finally found one to ask for a ticket, we were told that he could not give us one, and we were both issued fines instead. We both understand that this is the protocol, however, we were incredibly apologetic, assuring him that we did try and find an inspector for a ticket, and that it was an honest error, not having one, as we simply did not know how the system worked. This was an unsettling first experience as neither of us could afford to make a mistake like this, and we were very upset about the situation afterwards. Is there any chance that our case can be reviewed? We are more than happy to pay the fee for our intended ticket and anything extra for the inconvenience that we may have caused. I must profess that this was a completely innocent mistake, and we simply did not understand the Danish system. I have even travelled back to the airport since and can confirm that it is not clear where the tickets are distributed for

metro tickets near the platform, hence why we sought out an inspector to help us with a ticket. The only reason we got on the train is because we were certain”

Indklagede anfører følgende:

” In the specific case, the complainant and her companion was checked on 17 April 2025 at app. 15:40 between Airport station - Vanløse station. The 2 travelers had no travel documents and were therefore each issued an inspection fee in accordance with applicable rules.

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](#) , 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, you can read, among other things:

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.

In her inquiries to both Metro and the Appeals Board, the complainant explains that she and her companion could not see any ticket machines at the Airport Metro station or any staff, and that there was no information on how to buy tickets and that they therefore boarded the train because they thought they could buy tickets on board.

The complainant also explains that it was not their intention to evade the obligation to pay for the journey and that they were tourists and that they live in London where public transport operates with a different system than in Copenhagen.

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In addition, the Airport Metro Station is also staffed by a uniformed steward with a yellow vest every day from early morning to late evening. See also the photos below:





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As the Customer Agent wrote in his decision to the complainant, you also have the option, from home before departure, to familiarize yourself with how travel rules and ticket systems work in the country and city you want to visit.

When it comes to Copenhagen, you can, for example, research on these websites: [Tourist in Copenhagen - How to travel](#) or <https://www.visitcopenhagen.com/copenhagen/planning>

We would like to reiterate that we do understand the frustration when you traveled with good intentions, but the requirement for a valid travel document applies to everyone, regardless of whether you are a resident or a tourist, a child, an adult, a senior or a student, and regardless of income and social status.

Since neither of the 2 travelers had valid travel documents, both inspection fees were imposed correctly in accordance with the travel rules and since the Customer Agent's subsequent decision is also correct, we maintain the requirement for payment of both inspection fees of DKK 750 each.

Til dette har klagerne anført:

"We understand that there are places to purchase tickets however we did not see these while making our way to the platform. There was no one present on the platform to assist us, and as the train was at the platform we decided to just get on it and find a ticket conductor on the train. It was an innocent mistake and the continuous appeals from our part are a reflection of our mistake. If we were sure we had tried to evade the metro laws then we would be guilty and would pay straight away. Our case rides on the fact that we explained our situation immediately to the ticket conductor when we located him on the train, and explained that we needed to purchase a ticket from him. We explained we were tourists and had not seen where to buy tickets. He refused to help us, issuing us a fine. This was incredibly unsettling for our first experience in the city.

In the attached letter from the board it says that there are people on the platform to assist with tickets. When we were there, there was no one, and thus we went to find someone on the train.

If we wanted to a free ride we would have avoided the inspector, but instead we brought the issue up ourselves and asked kindly for assistance.

I believe this does not qualify for a 750 DLL per person. As we said we would like to pay the price if the ticket, and a little more on top of that for the inconvenience we have caused, however, we are not prepared to pay this full amount of the fine as we believe it is unjust.”

På ankenævnets vegne



Lone Bach Nielsen
Nævnformand