

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer:	25-0279
Klageren:	XX 1651 København V
Indklagede: CVR-nummer:	Metroselskabet I/S v/Metro Service A/S 21 26 38 34
Klagen vedrører:	Kontrolafgift på 750 kr. grundet check ind i DSB-appen efter påstigning
Parternes krav:	Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at han checkede ind rettidigt i DSB-appen og fremviste sit gyldige check ind til kontrolløren 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 29. oktober 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:

Klagen angår en kontrolafgift på 1.000 kr., som klageren blev pålagt den 23. juni 2025 for manglende check ind inden påstigning på Metroen. Som rejsehjemmel anvendte klageren DSB-appen på sin telefon.

Det følger af de Fælles landsdækkende rejseregler punkt 2.4.5, at check ind i DSB-appen skal foretages inden ombordstigning.

Ifølge klageren steg han ombord på Metroen på Aksel Møllers Have st. og checkede ind i DSB-appen inden ombordstigning.

Det fremgår af DSB-billetloggen, at klageren swiped sit check ind i DSB-appen kl. 06:36:54:

Check ind klokken 06:36:54

Afgangstid	Fra	Ankomsttid	Til	Afgang fra	Ankomst fra
	Aksel Møllers Have ()	23.06.2025 06:38:52	Gælder i 0 zoner fra...	Aksel Møllers Have	Nuuks Plads
23.06.2025 06:36:54	Aksel Møllers Have	23.06.2025 06:38:52	Nuuks Plads	Aksel Møllers Have	Nuuks Plads
	Aksel Møllers Have		Aksel Møllers Have	Aksel Møllers Have	Aksel Møllers Have
23.06.2025 06:36:54	Aksel Møllers Have	23.06.2025 06:38:52	Nuuks Plads	Aksel Møllers Have	Nuuks Plads
				0000000000	0000000000
				Aksel Møllers Have	Aksel Møllers Have
23.06.2025 06:36:54		23.06.2025 06:38:52		Aksel Møllers Have	Nuuks Plads

Det fremgår af Metroens log fra Aksel Møllers Have st., at dørene til Metroen lukkede kl. 06:36:50 og toget forlod stationen kl. 06:36:53:

23/06/2025 06:36:53	031	Train Departure	Aksel Møllers Have
23/06/2025 06:36:50	031	Train Doors Closed	Aksel Møllers Have
23/06/2025 06:36:50	031	Platform Doors Closed	Aksel Møllers Have
23/06/2025 06:36:33	031	Train Doors Opening	Aksel Møllers Have
23/06/2025 06:36:33	031	Platform Doors Opening	Aksel Møllers Have
23/06/2025 06:36:31	031	Train Arrival	Aksel Møllers Have
23/06/2025 06:35:41	031	Train Departure	Frederiksberg
23/06/2025 06:35:38	031	Train Doors Closed	Frederiksberg
23/06/2025 06:35:37	031	Platform Doors Closed	Frederiksberg
23/06/2025 06:35:20	031	Platform Doors Opening	Frederiksberg

Imidlertid kom der billetkontrol ombord ved Aksel Møllers Have st., og da klageren havde checket ind i DSB-appen efter Metroens afgang fra stationen, blev klageren pålagt en kontrolafgift på 750

kr.

Kontrolløren noterede i sin indberetning, at klageren allerede var ombord på Metroen ved kontrollørens påstigning:

```
<FeeDate>2025-06-23T06:37:15.9970000</FeeDate>
<Line>M3/M4</Line>
<StationFrom>Aksel Møllers Have</StationFrom>
<StationTo>Nuuks plads</StationTo>
<Adult>true</Adult>
<Child>false</Child>
<NumberOfBikes>0</NumberOfBikes>
<NumberOfDogs>0</NumberOfDogs>
<Cause>Modtaget efter påstigning</Cause>
<UnequalZones>false</UnequalZones>
<PaidCash>false</PaidCash>
<Amount>750</Amount>
<Cancelled>false</Cancelled>
<ChangedComment/>
<PaymentReceivedByUser/>
<Note/>
<TicketType>Mobilbillet</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>han var allerede i toget glemt at check ind </OtherText>
```

Klageren anmodede efterfølgende Metro Service om at annullere kontrolafgiften og begrundede det med, at han havde checket ind i DSB-appen inden påstigning og dermed fremvist en gyldig billet ved billetkontrollen.

Metro Service fastholdt kontrolafgiften og begrundede det med, at klageren havde checket ind i DSB-appen kl. 06:36:54, hvilket var efter tidspunktet hvor dørene lukkede ved Aksel Møllers Have st. kl. 06:36:50, hvorfor klagerens check ind var foretaget for sent i henhold til rejsereglerne.

Derpå indbragte klageren sagen for ankenævnet, hvor han yderligere gjorde gældende, at Metro Services og DSB's data måtte være fejlbehæftet.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Når kunden benytter DSB-appen, er kunden omfattet af de gældende vilkår for produktet. Check ind i DSB-appen skal ske inden passagerens påstigning, jf. de Fælles landsdækkende rejse-regler pkt. 2.4.

Hvis passageren først swiper sit check ind i appen efter påstigning, anses passageren dermed for ikke at være i besiddelse af gyldig rejsehjemmel. Dette gælder også, selv om passageren er checket ind på det tidspunkt, hvor kontrolløren foretager sin kontrol af rejsehjemmelen.

Således som sagen foreligger oplyst med de loggede data, lægger ankenævnet til grund, at Metroen afgik fra Aksel Møllers Have st. kl. 06:36:53, og at dørene var blevet lukket kl. 06:36:50. Efter Metroen havde forladt stationen, var der kontrol af klagerens rejsehjemmel. Her noterede

stewarden, at klageren allerede var i toget, underforstået, da Metroen forlod stationen, og at han havde glemt at checke ind.

Klageren swippede først sit check ind 4 sekunder efter, at dørene til Metroen var lukket, og 1 sekund efter at Metroen afgik fra stationen, hvilket er for sent jf. rejsereglerne.

Kontrolafgiften på 750 kr. til klageren blev dermed pålagt med rette.

Ankenævnet bemærker i den forbindelse, at reglen om at swipe sit check ind inden påstigning er vigtig for at sikre trafikvirksomhedernes billetindtægter, idet passageren ellers vil kunne vente med at swipe sit check ind, til passageren fik øje på en kontrollør.

Ankenævnet bemærker yderligere, at oplysningen om at swipe inden påstigning er givet tilstrækkeligt tydeligt, når kunden åbner DSB-appen for at swipe.

For så vidt angår klagerens påstand om, at de foreliggende data ikke er valide, bemærker ankenævnet, at der ikke er belæg for at statuere, at data fra henholdsvis DBS's billetlog og Metroens log med ankomst-og afgangstidspunkter ikke er pålidelige. En nærmere granskning heraf kræver imidlertid en teknisk indsigt, som ankenævnet ikke er i besiddelse af.

RETSGRUNDLAG:

Ifølge § 2, stk. 1, jf. § 3 nr. 3 i lovbekendtgørelse nr. 686 af 27. maj 2015 om lov om jernbaner, gælder loven også for metroen. Ifølge § 2 i lov nr. 206 af 5. marts 2019 om ændring af lov om 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.

Fra de Fælles landsdækkende rejseregler:

”2.4 Brug af Rejsehjemmel

Det er kundens ansvar at foretage Check ind med DSB App inden ombordstigning.

2.4.5 Brug af Check ind med DSB App

Check ind med DSB App kan benyttes som rejsehjemmel dog undtaget på Bornholm og mindre øer.

Definition af en rejse

Kunden skal checke ind i et transportmiddel med DSB App inden rejsens start og skal først checke ud efter rejsens afslutning. Hvis der skiftes mellem transportmidler undervejs på rejsen, skal skiftet registreres i DSB App."

PARTERNES ARGUMENTER OVER FOR ANKENÆVNET:

Klageren anfører følgende:

"I am writing to appeal inspection fee number xxxxxxxx, issued on the Metro at Aksel Møllers Have. I respectfully request the cancellation of this fine on the basis of technical ambiguity, disproportional enforcement, and unclear passenger guidance.

Case Summary

On the morning in question, I boarded the metro at Aksel Møllers Have and checked in via the DSB app before boarding the train. I immediately showed the QR code to the inspector, who informed me that the check-in occurred a few seconds after the train had departed, and therefore issued a fine.

Following my written inquiry, DSB confirmed the check-in time was 06:36:54, and that the train allegedly departed at 06:36:50 which is a 4-second discrepancy. They upheld the fine based solely on this technicality, even though:

- The train departed after I checked in
- I had a valid QR ticket visible in the app before boarding and at time of inspection
- The app interface does not show that a QR code is "too recent", and no warning exists about such a strict cutoff
- There was never any intent to evade fare payment

Grounds for Appeal

1. Valid Ticket Was Present at Inspection

I was not traveling without a ticket. I checked in, received a valid QR code, and showed it to the inspector. It was scanned without issue. The fine was not for lack of a ticket, but due to a technicality around check-in timing by mere seconds.

If a QR code can be shown, scanned, and confirmed as valid during inspection, it's difficult to see how the spirit of the regulation was violated.

I also maintain that the train departed after I checked into the app. I challenge the Appeal Board to please check the cameras at Aksel Møllers Have for confirmation.

2. Disproportionate Enforcement for a 4-Second Discrepancy

The entire case hinges on a 4-second delay between my app's official check-in time and the metro's official departure time. This margin is invisible to passengers, as the DSB app's ticket receipt only shows hours and minutes, not seconds. It's unreasonable to expect users to adhere to second-level precision that is neither displayed nor communicated in the receipt.

Enforcing a 750 kr fine based on a few seconds when all other conditions of valid travel were met is not only disproportionate, but also undermines public trust in the system's fairness.

3. Lack of Transparency in Timing Requirements

There is no visible countdown in the app showing when check-in becomes valid. Customers assume that when a QR code is present, check in is valid for the train they are boarding. There is also no warning or buffer for trains departing just seconds before or after a check-in attempt.

4. No Intent of Fare Evasion or Pattern of Abuse

I have lived in Denmark for over four years and have never previously received a fine. I've always respected the honor-based travel system and acted in good faith. This was not an attempt to avoid payment, but a minor, honest misalignment between physical departure and app timestamp.

Honestly, even if I were trying to evade a fare, I do not see how it would be possible to spot the inspector, pull out my phone, log into the app, and check in, all within a 4 second window of the train departing. As much as I like to brag about being fast and efficient that is beyond my capabilities...

If such precision is to be enforced, then the system should:

- Display validity checks beyond QR codes (seconds in the ticket receipt for example)
- Provide visual indicators or warnings if a QR code is not valid for a particular train
- Or offer a grace period for marginal timing issues

In its current form, the system leaves passengers unaware and unprotected from being fined for 4 second discrepancies.

Given the good faith nature of my check-in, the minimal timing discrepancy, and the lack of clear user-facing guidance, I respectfully request that this inspection fee be cancelled or reduced.

The strict enforcement of such a minor technicality when a valid QR code was shown and scanned feels more punitive than protective of the integrity of the system."

Indklagede anfører følgende:

"The complainant was ticketed on the metro and had the physical ticket issued and handed over at 06:35. The electronic ticketing process began at 06:37:15 and ended at 06:41:18.

The inspection fee was issued as the complainant could not present a valid travel document when asked for but was in the process of making a check in using the DSB app.

The steward has issued the control fee from Aksel Møllers Have to Nuuks Plads and has noted in the remarks field "was already on the train and forgot to check in".

The train log from train 31, which the complainant was on board, is inserted below:

23/06/2025 06:36:53	031	Train Departure	Aksel Møllers Have
23/06/2025 06:36:50	031	Train Doors Closed	Aksel Møllers Have
23/06/2025 06:36:50	031	Platform Doors Closed	Aksel Møllers Have
23/06/2025 06:36:33	031	Train Doors Opening	Aksel Møllers Have
23/06/2025 06:36:33	031	Platform Doors Opening	Aksel Møllers Have
23/06/2025 06:36:31	031	Train Arrival	Aksel Møllers Have
23/06/2025 06:35:41	031	Train Departure	Frederiksberg
23/06/2025 06:35:38	031	Train Doors Closed	Frederiksberg
23/06/2025 06:35:37	031	Platform Doors Closed	Frederiksberg
23/06/2025 06:35:20	031	Platform Doors Opening	Frederiksberg

We have consulted with DSB on the matter, and they have informed us of the following:

Check ind klokken 06:36:54

Afgangstid	Fra	Ankomsttid	Til	Afgang fra	Ankomst fra
	Aksel Møllers Have ()	23.06.2025 06:38:52	Gælder i 0 zoner fra...	Aksel Møllers Have	Nuuds Plads
23.06.2025 06:36:54	Aksel Møllers Have	23.06.2025 06:38:52	Nuuds Plads	Aksel Møllers Have	Nuuds Plads
	Aksel Møllers Have		Aksel Møllers Have	Aksel Møllers Have	Aksel Møllers Have
23.06.2025 06:36:54	Aksel Møllers Have	23.06.2025 06:38:52	Nuuds Plads	Aksel Møllers Have	Nuuds Plads
				0000000000	0000000000
				Aksel Møllers Have	Aksel Møllers Have
23.06.2025 06:36:54		23.06.2025 06:38:52		Aksel Møllers Have	Nuuds Plads
				0000000000	0000000000

First, we must state that the metro runs, like all other public transport in the Greater Copenhagen area (and in Denmark), 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 upon request.

In cases where a valid card or ticket cannot be presented on request, it must be accepted to pay an inspection fee, which for an adult amounts to DKK 750. This basic rule is a prerequisite for the self-service system that applies to travel by public transport in the Greater Copenhagen area.

From the Joint National Travel Regulations following is stated:

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.

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.

2.4.2. Concerning the use of mobile products in particular (delivered via text message or app)

It is the customer's own responsibility to ensure that the travel document has been received on the mobile device before boarding. It is not sufficient that the order has been commenced.

The Joint National Travel Regulations in full can be seen [here](#).

According to the train log, the information from DSB and the comments made by the steward it is indisputable that the complainant was not in possession of a valid ticket or card before he boarded the metro.

If the complainant has any comments about the DSB app, its function and/or information or inappropriateness, he must contact DSB, as we unfortunately have no influence on this.

It is of course an unfortunate situation that the complainant has found himself in by not having checked in on the DSB app before boarding, but we do not take into account whether it is the first time a passenger has received a control fee, whether the person has acted in good faith, or whether the person is a child, pensioner, tourist, etc. - we solely relates to the fact that it is the passenger's own responsibility, before boarding, to ensure that the person is in possession of a valid travel document and, when using apps, that the ticket has been finally received or check-in has gone through and is registered on the phone.

Based on the above we find the inspection fee correctly issued and following maintained by customer service and due to this we uphold our claim of 750 kr."

Til dette har klageren anført:

"I have reviewed Metro Service's statement and would like to highlight several contradictions and inaccuracies that I believe are critical to my case:

1. Impossible Timing of Fine

Metro Service states the inspection fee was issued, and the physical ticket was handed over at **06:35** (as seen in the below photo of the fine). However, the train log clearly shows the train only **arrived at Aksel Møllers Have at 06:36:33** and departed at 06:36:53.

It is therefore impossible that the fine could have been issued at 06:35, before the train even arrived. **This discrepancy alone raises questions about the reliability of their statements.**

+71<000000 [REDACTED] +85611615<

Kontrolafgiftsnr.: [REDACTED]

Inspection fee no.: [REDACTED]

Dag Måned År Klokker Seward ID
Day Month Year Time

23 6 25 6 35 2 1 9 53

Fra From AKS m P

Til To NULM S P

Årsag Cause Efters P

For yde For furt

Indbetalers navn o

Vigtige oplysning
Kontrolafgiftens in
rejse. Billetten gæl
station, som den n
tilladt. Ved kontrol
afgiften kan anvan

2. Incorrect Notes by the Steward

According to Metro Service, the steward wrote that "han var i toget glemt at check ind" (pictured below), which is demonstrably false:

I did check in and had a valid QR code, as you can see from the documents. The log itself contradicts the steward's remarks as well as his own statement on the fine, as seen above after "Årsag/Cause": "Efter p" (granted, it is barely readable, but at least that is what it seems to say). At the time of inspection, **I had already completed the check-in and presented a valid QR code, which the steward scanned.** The fine was therefore not due to "no ticket".

At the time of the fine, the steward told me I "checked in too late" after scanning my QR code and giving me the fine. This is another contradiction/discrepancy.

```
<Note/>
<TicketType>Mobilbillet</TicketType>
<SerialNumber/>
<SingleUseTicketStartZone xmlns:xsi="http://www.w3.org/2001/XMLSchema-in
<SingleUseTicketNumberOfZones xmlns:xsi="http://www.w3.org/2001/XMLSchem
<RebateCardNumberOfValidations xmlns:xsi="http://www.w3.org/2001/XMLSche
<RebateCardType/>
<RebateCardIsChild>false</RebateCardIsChild>
<PeriodCardZones/>
<PeriodCardType/>
<OtherText>han var allerede i toget glemt at check ind </OtherText>
<TicketPhoto1>/9j/4Xt7RXhpZgAASUkqAAgAAAAMABsBBQABAAAANGAAABoBBQABAAAAPg
<TicketPhoto2/>
<TicketPhoto3/>
<IdentificationType>Opholdstilladelse</IdentificationType>
<IdentificationTypeOther/>
```

3. **Check-In Was Completed and QR was Presented, but with a 1-4 second delay and technical discrepancies.**

According to DSB's system log, my check-in occurred at 06:36:54—just one second after the logged train departure time of 06:36:53. However, **Metro Service's own receipt shows the "ticket purchase" at 06:36:53** (pictured below), which is paradoxical: how can a ticket be recorded as purchased before the check-in was even registered? This inconsistency indicates a technical discrepancy between the systems.

Thank you for your purchase in the DSB app.
Please note that this receipt cannot be used as a ticket.

You have purchased on June 23, 2025 06:38:53:

Time	Station

Departure 06:36	Aksel Møllers Have St. (Metro) (1002)
	METRO COMPANY Metro M3
Arrival 06:38	Nuucs Plads St. (Metro) (1002)

Quantity	Product	Unit	Price	Total

1	Adult	DKK	22.00	
	Time discount (20%)		-4.40 kr.	
	Metro surcharge		1.40 kr.	
	Total price	19.00 kr.	19.00 kr.	

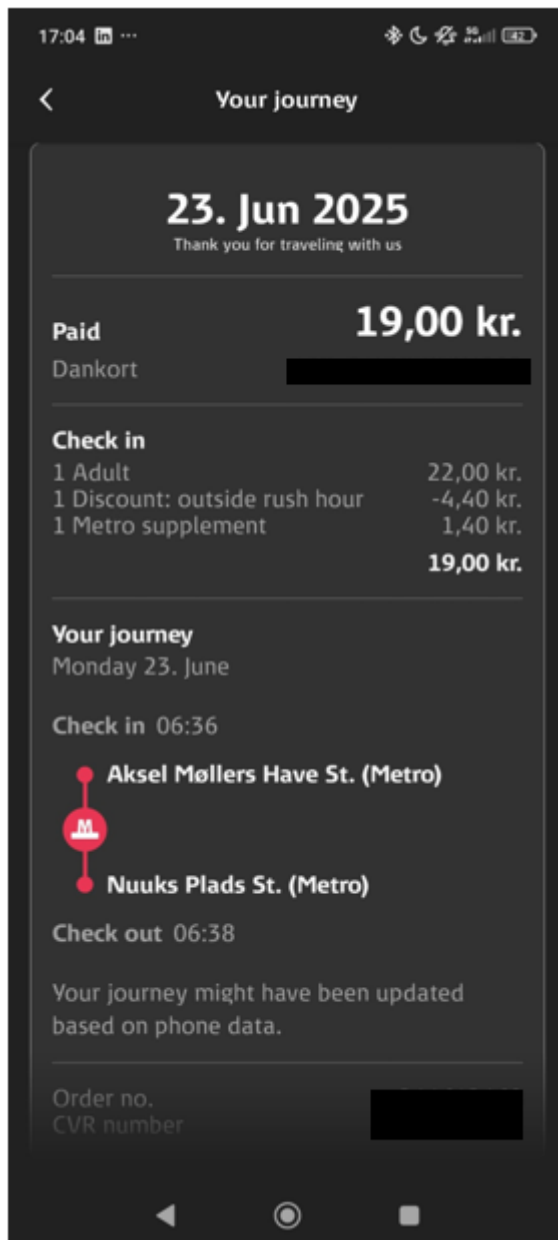
				==
	Total price	19.00 kr.		

Payment information:
The amount was withdrawn on June 23, 2025.
Payment transaction: XXXXXXXXXX DKK 19.00

Your order number is: XXXXXXXXXX

Furthermore, it is impossible for me as a passenger to verify this level of timing detail, since the DSB app only displays hours and minutes, not seconds (pictured below). Both I and the Appeals Board are therefore required to rely entirely on the accuracy and synchronization of Metro Service's systems.

I believe it is unreasonable to penalize a passenger 750 kr based on a 1–4 second discrepancy between backend system timestamps, especially when a valid QR code was successfully generated, presented to the steward, and scanned. To enforce a fine at this level of technical precision, which is unavailable to users and contradicted by Metro Service's own documentation, is disproportionate and unfair.



Conclusion:

The evidence presented by Metro Service is internally inconsistent (timing of fine vs. train log), factually incorrect (steward's notes), and disproportionate in enforcement.

I therefore respectfully ask the Board to cancel the inspection fee."

Til dette har Metro Service anført:

"We must maintain that the steward noticed the complainant on the train as soon as it arrived at Akse Møllers Have, otherwise he would not have stated in the remarks field: ***"He was already on the train and forgot to check in."***

It makes good sense that the steward noted 06:35 on the physical inspection fee (the time between departure from Frederiksberg and arrival at Aksel Møllers Have).

The above together with the statement from DSB fits perfectly with the fact that the doors were closed and the train departed from Aksel Møllers Have at 06:36:50 and 06:36:53, respectively.

The print from DSB's Back Office shows that the complainant's ticket was valid from 06:36:54, and therefore the complainant must have entered the train without being in possession of a valid ticket or travel document.

We must here – again – refer to the Joint National Travel Regulations section 2.4.2.:

2.4.2. Concerning the use of mobile products in particular (delivered via text message or app)

It is the customer's own responsibility to ensure that the travel document has been received on the mobile device before boarding. It is not sufficient that the order has been commenced.

Based on the above we do not find any discrepancies or unexplained conditions and uphold our claim.”

På ankenævnets vegne



Lone Bach Nielsen
Nævnetsformand