

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer:	25-0332
Klageren:	XX Gdansk, Polen
Indklagede: CVR-nummer:	Metroselskabet I/S v/Metro Service A/S 21 26 38 34
Klagen vedrører:	Kontrolafgift på 750 kr. grundet for få zoner på mobilbillet
Parternes krav:	Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at han ved en fejl indtastede en forkert destination og derved ikke fik en billet, der var gyldig til hele rejsen 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 17. december 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.

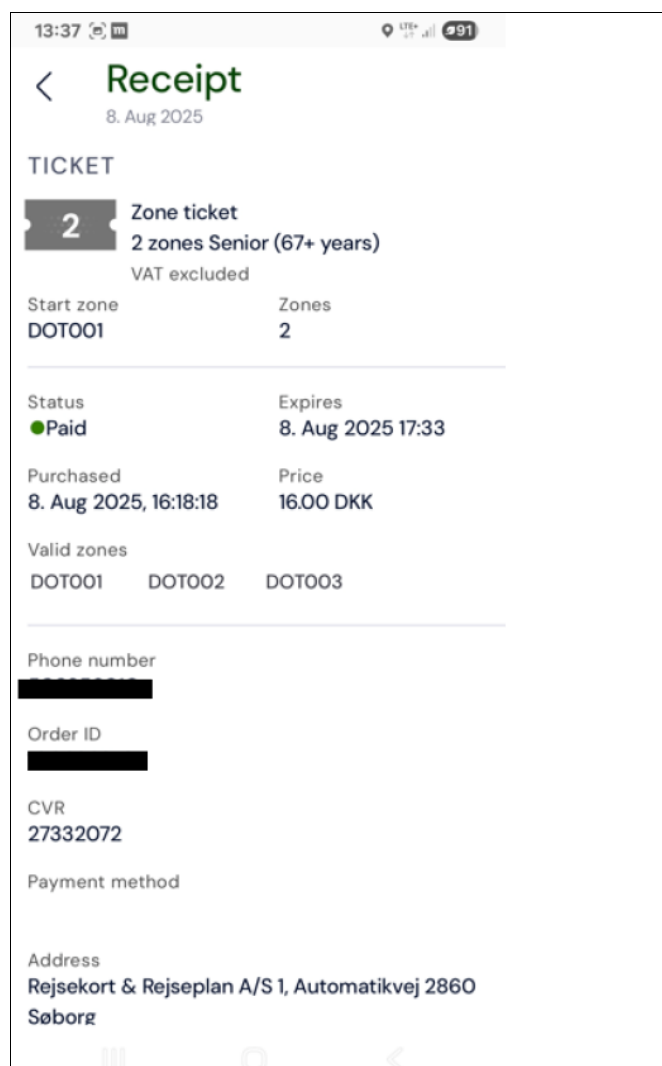
Klageren henvises til at søge yderligere oplysning om eventuel bistand i forbindelse med sagsanlæg fx på www.domstol.dk, www.advokatnoeglen.dk og /eller eget forsikringsselskab om eventuel forsikringsretshjælp.

SAGENS OMSTÆNDIGHEDER:

Klageren, der er bosiddende i Polen, skulle den 8. august 2025 rejse med Metroen fra Københavns centrum i zone 1 til Lufthavnen st. i zone 4.

Til sin rejse købte klageren en mobilbillet i Rejsebillet-appen, som var gyldig til to zoner fra zone 1. Billetten var hermed gyldig i zonerne 1, 2 og 3 som følge af ringzonesystemet.

Kvitteringen for klagerens billetkøb så således ud:



Undervejs på rejsen steg klageren af på Lergravsparken st. for at hente sin bagage, som stod opmagasineret tæt på stationen, hvorefter han fortsatte rejsen med Metroen til Lufthavnen st.

Imidlertid kom der billetkontrol ombord på Metroen ved Kastrup st. i zone 4, hvor klageren fremviste sin mobilbillet.

Da klageren manglede billet til zone 4, blev han pålagt en kontrolafgift på 750 kr.

Uddrag fra den elektroniske kontrolafgift:

```
<FeeDate>2025-08-08T16:46:53.8330000</FeeDate>
<Line>M1/M2</Line>
<StationFrom>Kastrup</StationFrom>
<StationTo>Lufthavnen</StationTo>
<Adult>true</Adult>
<Child>false</Child>
<NumberOfBikes>0</NumberOfBikes>
<NumberOfDogs>0</NumberOfDogs>
<Cause>Mgl. Zoner</Cause>
<UnequalZones>false</UnequalZones>
<PaidCash>false</PaidCash>
<Amount>750</Amount>
```

Klageren anmodede den 13. august Metro Service om at annullere kontrolafgiften og begrundede dette med, at han ved en fejl kun havde købt en billet til 2 zoner, idet han havde lavet en søgning på en rejse kun til Lergravsparken st., og ikke helt til Lufthavnen st., da han købte billetten i Rejsebillet-appen. Ifølge klageren var han ikke opmærksom på dette, men havde ikke til hensigt at undvige betaling af en billet til hele rejsen.

Metro Service fastholdt kontrolafgiften den 25. august med henvisning til selvbetjeningsprincippet og det forhold, at klageren ikke havde haft gyldig billet til zone 4, hvor billetkontrollen fandt sted.

Derpå indbragte klageren sagen for ankenævnet.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Klageren kunne ikke forevise gyldig rejsehjemmel ved kontrollen i zone 4 den 8. august 2025, fordi han havde købt en billet i Rejsebillet-appen, som var gyldig i to zoner fra zone 1 og derfor ikke havde billet til alle tre zoner, som krævet for at rejse fra zone 1 til Lufthavnen st. i zone 4.

Herefter finder ankenævnet, at kontrolafgiften på 750 kr. blev pålagt med rette.

Det forhold at klageren ved en fejl indtastede en forkert destination i Rejsebillet-appen, kan ikke føre til et andet resultat, da det jf. selvbetjeningsprincippet i den offentlige transport påhviler kunden at have gyldig rejsehjemmel til hele rejsen ved påstigning.

Ankenævnet finder, at der ikke har foreligget sådanne særlige omstændigheder, at kontrolafgiften skal frafaldes.

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 trafiksselskaber 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:

"My grandson and I enjoyed using the Copenhagen metro, and I consider it one of the most comfortable and well-organized. You have every right to be proud of it, so I respect the steps you take to ensure that travelers use your services in accordance with the regulations.

I also thank you for providing details about the Copenhagen transport system. I assure you that I familiarized myself with them before leaving Poland, as I do before every trip abroad. I even installed two apps: DOT Billetter and Rejsebillet. I ended up using the latter when I learned that DOT Billetter would cease operating at the end of the year.

Therefore, I apologize that you did not respond to my appeal individually. In my appeal, I did not claim that I had the correct ticket at the time of the inspection. I tried to explain that it was not my intention to use the wrong ticket, but that it was a mistake on my part, and I described in detail the circumstances in which it happened. I am very sorry that you did not address this in your response.

The imposed penalty is not only harsh for me economically, but also humiliating due to the civic stance that guides my life, wherever I am.

Therefore, I request that my appeal be reconsidered, taking into account the specific circumstances I have presented, and that I be released from the obligation to pay the imposed amount."

Indklagede anfører følgende:

"An inspection fee was issued to the complainant August 8th, 2025, at 16:46, as he could not present a valid ticket.

The complainant presented a ticket bought in zone 1 and valid for 2 zones, but as the complainant was met by the inspector after the train had left Kastrup station, a 3 zones ticket was required.

The metro – like other public transport in the Capital Region (and in the rest of Denmark in general) – operates on a self-service system, where it is the passenger's own responsibility, before boarding, to secure a valid ticket or card for the entire journey, and to be able to present a valid travel document upon request. When using public transport, rules and guidelines apply, as stated in the Joint National Travel Regulations applicable at all times, which are available on the. In cases where a valid travel document cannot be presented upon request, it must therefore be accepted to have to pay an inspection fee, which for an adult amount to DKK 750.

From the Joint National Travel Regulations it is among others stated:

2.3. Purchase of travel documents

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

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.

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

At all stations, there are several information boards where the customers can read necessary information among others how many zones are necessary for a given journey – below a part of the board where the zones are to be found

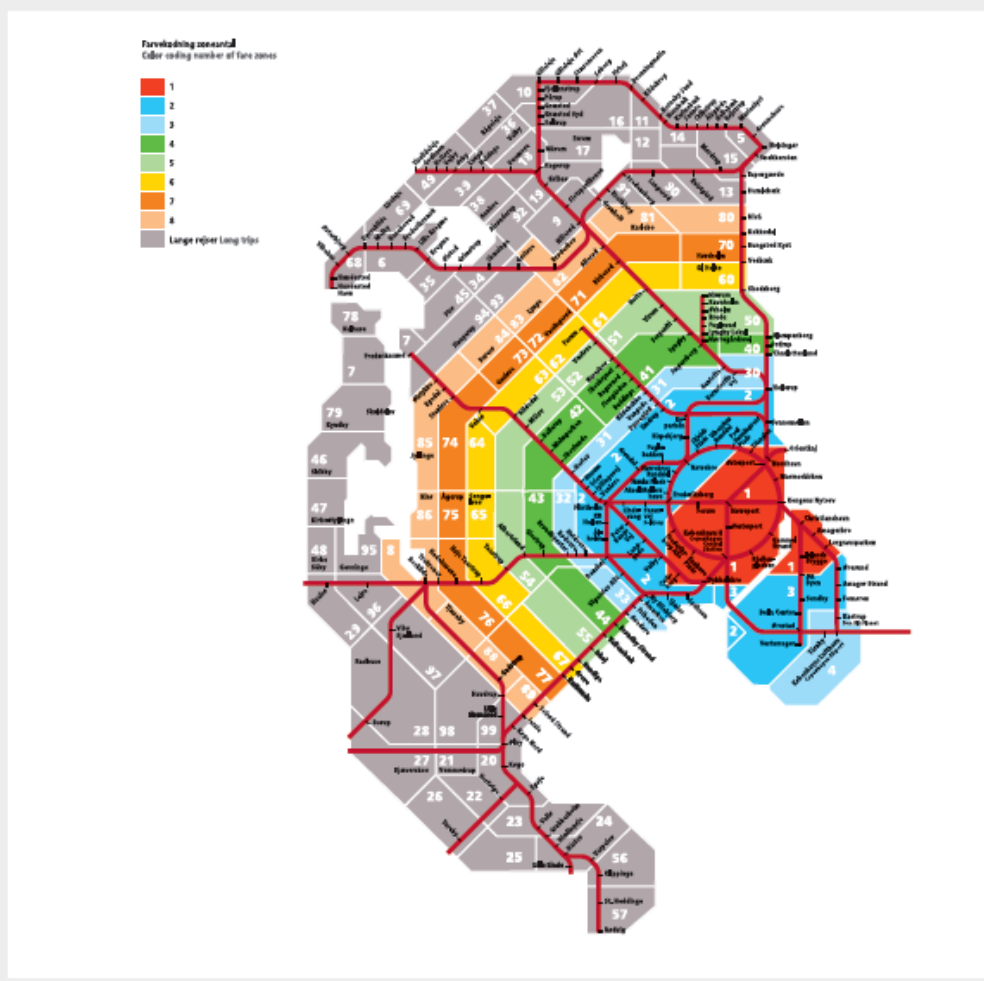


Hav billetten klar Have your ticket ready

Husk at have gyldigt kort eller billet klar inden du står på – du kan ikke købe billetter i metrotoget. Hvis du rejser uden billet, vil du ved kontrol få en afgift på 750 kr.

You must have a valid ticket before boarding – you cannot buy tickets on the metro train. Travelling without a valid ticket will lead to a fine of kr. 750.

Zonekort Zone map



We have also noticed that the complainant has submitted a picture of 2 tickets where multiple zones have been purchased.

At the central metro stations the customer can find information personal who can assist, if the customer needs advice of any kind in relation to the metro, tickets etc.

There are also yellow call points several places at all metro stations and in all metro trains - those can be used if a customer needs information or help. The call points goes directly to the control room which are manned 24/7.

Information about the call points can also be found on the information boards mentioned above.

Velkommen i Metroen Welcome to the Metro

**For at give den bedst mulige rejseoplevelse
for alle kunder i Metroen, bedes du overholde
følgende ordensregler.**

To provide the best possible travel experience
for all passengers, you are required to abide
to the following regulations.



Du kan benytte de gule kontaktpunkter til generelle henvendelser
til Metroens kontrolrum ved at trykke på den grønne knap, INFO.
Ved akut fare skal du trykke på den røde knap, ALARM.

Inquiries to the Metro control room may be made from the yellow
intercoms by pressing the green button, INFO. In case of emergency,
press the red button, ALARM.

We fully understand that it is a very unfortunate situation that the complainant has found himself in, but since we want to treat all our customers equally and in accordance with the Joint National Travel Regulations, we do not consider whether the act was done in good or bad faith, whether it is the first time the customer has received an inspection fee or whether it is a child, a student, a pensioner, a tourist etc. - we only consider that it is the passenger's responsibility - before boarding - to be in possession of a valid ticket or travel document.

The fact that the complainant has sent documentation for purchased tickets the days before and earlier the same day does not change the above.

It is thus indisputable that the complainant has not paid for the full trip, hereunder for the use of the metro in zone 04, which is why we consider the inspection fee to have been correctly issued and subsequently correctly maintained during case processing at customer service.

Based on the above we uphold our claim of paying DKK 750,-.

Finally, we must refer to previous decisions made by the Appeals Board in comparable cases – [lack of zones on SMS-tickets](#) and [wrong amount of zones](#), where the defendant transport company has had the cases ruled in their favor.”

Til dette har klageren anført:

“Unfortunately, there has been no change in the approach to this matter.

I continue to see persistent repetition, citation, and referrals to regulations governing the use of public transport. I have repeatedly stated that I understand my mistake.

I thought the next person dealing with this case would carefully consider the circumstances of the incident and the appellant's arguments. But I was wrong; the only thing that matters is the lack of a valid ticket. The Appeals Specialist writes:

"...we do not consider whether the act was done in good or bad faith, whether it is the first time the customer has received an inspection fee, or whether they are a child, a student, a pensioner, a tourist, etc. – we only consider that it is the passenger's responsibility – before boarding – to be in possession of a valid ticket or travel document.

The fact that the complainant has sent documentation for purchased tickets the days before and earlier the same day does not change the above."

So what's the point of this multi-stage appeals procedure if everything is known from the start? Isn't this a waste of time and money for everyone involved?

What's more, this specialist, ignoring my mistake, made a mistake herself. She wrote:

"We have also noticed that the complainant has submitted a picture of two tickets where multiple zones have been purchased."

And that's not true. I only submitted one such ticket because I only bought one on the first day of my stay, for the route from the airport to Legeravsparken station.

I believe there are no mitigating circumstances for the person who made this egregious error – they're probably not a 70-year-old retiree working outside their home country and using tools written in a language that's not their native language, as was the case with me.

Will this person face any consequences? Perhaps, for example, a fine of DKK 750? And then, of course, 160 DKK for the appeal, should it occur to her.

Is this ironic? Of course it is, and the irony stems from my bitterness.

I don't want any consequences or unpleasantness for YY (Appeals Specialist). I wish her all the best, because after all, we know from ancient times: Errare humanum est – To err is human.

Your attitude is evident from the phrase in your email.

Forgive me, but I don't feel like I'm part of the case or some impersonal entity or institution. I am a human being and I expect a humane, individual approach – meticulous, but not devoid of empathy.

Therefore, considering the above, I want to proceed with the appeal."

På ankenævnets vegne



Lone Bach Nielsen
Nævnformand