

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer:	25-0418
Klageren:	XX England
Indklagede:	Movia
CVR-nummer:	29 89 65 69
Klagen vedrører:	Kontrolafgift på 1.000 kr. grundet rejse uden billet
Parternes krav:	Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at han ikke havde mere data på sin telefon, ikke kunne finde en billetautomat og derfor ville købe en billet af kontrolløren i bussen, som han plejede at gøre i England Indklagede fastholder kontrolafgiften
Ankenævnets sammensætning:	Nævnshoved, dommer Lone Bach Nielsen Nikola Kiørboe Dorthe Thorup Helle Berg Johansen Dorte Lundqvist Bang

Ankenævnet for Bus, Tog og Metro har på sit møde den 26. februar 2026 truffet følgende

AFGØRELSE:

Movia er berettiget til at opretholde kravet om betaling af kontrolafgiften på 1.000 kr.

Beløbet skal betales til Movia, der sender betalingsoplysninger til klageren.

Da klageren ikke har fået medhold i klagen, tilbagebetales klagegebyret ikke, jf. ankenævnets vedtægter § 24, stk. 2, modsætningsvist.

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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 forsikringssselskab om eventuel forsikringsretshjælp.

SAGENS OMSTÆNDIGHEDER:

Klageren var på cykelferie fra Sverige til Tyskland med rute gennem Danmark. Efter at være ankommet til København den 16. august 2025, var han løbet tør for data på sin telefon, og derfor skulle han rejse med buslinje 250S for at komme til en forretning, hvor han kunne få hjælp til at løse problemet med den manglende data.

Ifølge klageren kunne han således ikke købe en mobilbillet til rejsen, og da han heller ikke kunne finde en billetautomat ved stoppestedet, steg han på bussen i den tro, at han kunne købe en mobilbillet fra en kontrollør.

Da der kom billetkontrol ombord på bussen ved stoppestedet, Øresundsvej, kunne klageren således ikke fremvise en gyldig billet og blev pålagt en kontrolafgift på 1.000 kr.

Uddrag fra den elektroniske kontrolafgift:

Kontrolafgift info	
Kontrolafgift nummer	25070800
Zone	003
Linje	250S
Bus nummer (Gåseddel)	7949
Køretøjs nummer	
Endelig destination	
Stop ID	729
Stop	Øresundsvej
Påstigning	16-08-2025 23:54:10
Udstedt dato/tid	16-08-2025 23:56:23
Stået af	17-08-2025 00:01:46
Passager tal	22
Kontrol spørgsmål stillet	Nej
Kunden har forespurgt chauffør	Nej
Kort inddraget	Nej
Sprog	Dansk
Årsag	Ingen billet fremvist
Bemærkning	
Id forevist	Andet ID

Klageren anmodede den 29. august 2025 Movia om at annullere kontrolafgiften og begrundede dette med, at han havde haft intention om at betale for en billet, men at det ikke havde været muligt, at hans telefon ikke havde data og der ikke var en billetautomat ved busstoppestedet.

Movia fastholdt kontrolafgiften den 11. september 2025 og begrundede dette med, at klageren ikke havde en gyldig billet ved billetkontrollen, samt at mobilbilletter skal være modtaget inden påstigning, og at manglende data og fraværet af en billetautomat ikke giver tilladelse til at rejse uden gyldig billet.

Derpå indbragte klageren sagen for ankenævnet.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Klageren kunne ved kontrollen i linje 250S den 16. august 2025 ikke forevise nogen gyldig rejsehjemmel, fordi han efter det oplyste ikke kunne købe en mobilbillet grundet manglende data og havde en forventning om, at han i stedet kunne købe billet fra en kontrollør i bussen.

Kontrolafgiften på 1.000 kr. til klageren blev hermed pålagt med rette.

Det er ankenævnets opfattelse, at klageren ikke uden at have undersøgt dette nærmere med rette kunne gå ud fra, at der kunne købes billetter ombord på bussen fra kontrolløren.

Klageren kunne i stedet ved påstigning have henvendt sig til chaufføren, som kunne have solgt klageren en kontantbillet eller vejledt om billetkøb på anden vis.

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 klageren kan fritages for kontrolafgiften.

Forbrugerrådets repræsentanter udtaler kritik af kontrolafgiftens størrelse:

”Forbrugerrepræsentanterne finder, at kontrolafgifter over 750 kr. ikke står rimeligt i forhold til forseelsens omfang. 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. Det er desuden bekymrende, at trafikskaberne – som monopolliggende virksomheder – selv fastsætter kontrolafgifternes størrelse. Dette giver skaberne mulighed for at indføre kontrolafgifter, som ville være forretningskadelige, hvis der var reel konkurrence på markedet. Forbrugerrepræsentanterne indgiver derfor en mindretalsudtalelse vedrørende kontrolafgiftens størrelse. Dette ændrer ikke sagens udfald, men kontrolafgiften bør nedskrives til 750 kr.”

RETSGRUNDLAG:

Ifølge lov om trafikskaber § 29 kan selskabet udstede kontrolafgift og pålægge ekspeditionsgebyr til en passager, der ikke på forlangende foreviser gyldig rejsehjemmel.

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 1.000 kr. for voksne. Det gælder også, hvis passageren har købt rejsehjemmel via en mobil enhed, der ikke kan kontrolleres, f.eks. hvis denne er løbet tør for strøm eller gået i stykker. Det er passagerens ansvar, at rejsehjemlen er endeligt modtaget på den mobile enhed før påstigning.

I busser, hvor check ind sker om bord, skal check ind ske straks efter påstigning uden unødigt ophold, og inden passageren sætter sig ned.

Som passager uden gyldig rejsehjemmel betragtes også passager, der benytter kort med begrænset tidsgyldighed (f.eks. pensionistkort) uden for kortets gyldighedstid, eller hvis andre rejsebegrensninger ikke overholdes (f.eks. for hvornår cykler må medtages, eller om der er betalt metro-tillæg). 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 a British student who was bikepacking from Sweden to Germany between July and September. I arrived in Copenhagen on my birthday - 16/08/2025. I had problems with my mobile data which had run out. I couldn't get an eSim as my phone is too old. I needed to let my mum and dad know that I was safe, and a local Danish man told me about a shop I needed to go to to sort out my phone. I couldn't download the travel app and couldn't find anyone to help me get a paper ticket. It was very busy as it was the day of the Pride Festival, so I thought the best thing was to go on the bus and buy a ticket from the conductor as this is what I can do on British transport. I didn't see the signs that told me this wasn't possible, possibly because it was busy, and I was also quite overwhelmed and wanted to get my data as soon as possible. I left Denmark on 18/08/2025. Now I am back in the UK, I have tried to appeal my ticket, as I am a student and can only pay my fine in installments, or a reduced amount. I am looking for a part-time job, but will need to spend money on food and accommodation. If there had been a ticket machine for the bus fare, I would have paid in cash. I am sorry that I have misunderstood the rules in Denmark. I just needed to sort out my phone and let my parents know that I was safe.

I would like to be excused from paying the fine as I made a genuine mistake in a foreign country. If this is not possible, I wish to pay a reduced rate (I am a student, and turned 18 on the day of the incident). If this is not possible, I need to pay in installments, otherwise I can't afford it. I have no plans to return to Denmark, but don't want to be in trouble, in the event I come back."

Indklagede anfører følgende:

"Movia hereby responds to the complaint regarding inspection fee 25070800 issued on bus 250S on the 16.08.2025. We enclose previous correspondence with the customer, as well as attachments.

Movia maintains that the inspection fee is rightly imposed, and we do so on the grounds that complainant did not present a valid ticket on the inspectors' inquiry on the bus.

On the day in question, when the inspector met the complainant on the bus, he was unable to present any valid travel document. In his statement, the complainant explains that he could not obtain an official ticket

because his mobile data had run out. The complainant did not specify where he boarded the bus, which may indicate that he could have been travelling for some time without attempting to purchase a ticket. Importantly, we note that the driver was never involved in the situation. The complainant therefore began his journey knowing he did not hold a valid ticket and without approaching the driver for assistance.

Cf. § 2.4, it is always the customer's responsibility to hold a valid travel document upon boarding. Upon receiving a travel document, the customer must ensure that the ticket corresponds to the required zones and validity. Being a tourist or unfamiliar with the ticketing system cannot be considered a valid excuse when one has boarded without at least seeking guidance or making an active attempt to obtain a valid ticket by other available means.

Joint National Travel Regulations:

2.3. Purchase of travel documents

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

2.4. Purchase of travel document

Public transport in Denmark is an open system with widespread self-service, and it is therefore always the customer's responsibility to have a valid travel document upon boarding, including by ensuring that the Rejsekort has been checked in correctly.

2.6. Inspection of travel documents

If a valid travel document cannot be presented on request during inspection, it will not be possible to have to get a reduction or cancellation of an inspection fee by subsequent presentation of travel documents.

2.7.1. Inspection 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.

Inspection fee

The inspector boarded bus 250S at Øresundsvej at 23:54:10 on 16.08.2025 to conduct a ticket inspection. The complainant was already on board but was unable to present any valid travel document. Furthermore, he had not approached the driver for information or assistance but had simply taken a place without making any attempt to obtain a ticket.

As nothing was presented, the inspector was obliged to issue an inspection fee at 23:56:23 with the reason stated as "no valid ticket presented."

Stop	Øresundsvej
Påstigning	16-08-2025 23:54:10
Udstedt dato/tid	16-08-2025 23:56:23
Stået af	17-08-2025 00:01:46

Comments and decision

The complainant did not contact Movia until 13 days after the incident. If it had been necessary to clarify anything with the driver, this could have been difficult. However, we find that this has no bearing on the case, as the driver's actions are entirely disregarded in the complainant's statement.

Extracts from the complaint on the 29.08.2025:

“My mobile data had run out completely, and a local man had told me about somewhere I could go to resolve the issues with my SIM card to get connected again. I wanted to pay for the journey. However, because I had no data, I couldn't download the official mobile app to purchase a ticket. When I arrived at the bus stop, I looked for a physical ticket machine, but there wasn't one available.”

Challenges related to purchasing mobile tickets can arise from a wide range of issues that are beyond Movia's control: such as payment failures, network interruptions, connection errors, or, as in this case, lack of mobile data. When travelling using a mobile phone, especially in a foreign country, it is the passenger's own responsibility to ensure that they have the necessary technical means to acquire a valid ticket at the location of travel. While it is unfortunate that the complainant had no data connection, this is not a matter that involves Movia. Moreover, we find it difficult to understand why the complainant did not attempt to purchase a ticket directly from the driver instead.

“The bus was very busy so I got on, assuming that I could pay onboard when approached by the conductor, as in the UK.”

Based on the passenger count recorded by the inspector upon boarding at Øresundsvej, only 22 passengers were present on the bus far too few for this to have reasonably prevented the complainant from approaching the driver. The driver could have provided guidance on alternative payment methods or accepted cash payment. We therefore consider the key element in this case to be that the driver was never involved at any point.

We would also like to draw the complainant's attention to the fact that a traveler cannot simply assume that the ticketing system operates in the same way as in their home country. It is the traveler's own responsibility to seek at least some basic information about the rules and procedures in the country they are visiting.

“Given my circumstances, I felt I had no other option but to get on the bus to reach the place where I could resolve my data issues. It was never my intention to evade the fare, and I was in the process of trying to get data specifically so I could use the payment systems.”

Based on the bus route, the vehicle was coming from the city area, and we therefore find it somewhat surprising that the complainant describes the situation as if he “had no other option” but to board the bus; especially on a summer evening, when it would have been entirely possible to try to resolve the issue before boarding.

While Movia rarely assesses a passenger's intentions in terms of good or bad faith, we find it sufficiently deliberate simply to board a bus without taking any action to obtain a valid ticket, even if the act was not done in bad faith. If one neither attempts to purchase a ticket by alternative means nor even approaches the driver for assistance, one must accept the issuance of an inspection fee, regardless of being new to the system.

We emphasize that overlooking such behavior would undermine the integrity of the fare system and weaken efforts to prevent fare evasion.

An inspection fee is not conditional on whether a customer has deliberately tried to evade payment or whether there are errors or misunderstandings, but only if the customer can present a valid ticket during inspection.

Movias conclusion

Considering the circumstances of the case, we find that the complainant boarded the bus without holding a valid ticket and without taking any active steps to obtain one. He did not specify where he boarded, which

could indicate that he had been travelling for some time before the inspection without a valid travel document.

Importantly, the driver was never involved at any point, even though the bus was not crowded and assistance could easily have been sought.

Being a tourist or unfamiliar with the Danish ticketing system cannot justify boarding without at least seeking guidance or attempting to acquire a ticket through the available means. Technical or network-related difficulties, including lack of mobile data, fall outside Movia's responsibility.

Based on the route and circumstances, we find it unlikely that the complainant "had no other option" but to board. It was entirely possible to resolve or seek assistance before starting the journey. Simply boarding a bus without valid travel documentation regardless of intent constitutes a conscious disregard of the travel rules.

It is an area with a high risk of circumventing the rules on being able to present a valid ticket if it is accepted that you can travel without a ticket without receiving a fee.

In cases where a valid ticket cannot be presented on request, it must be accepted that a fee is issued. This basic rule is a prerequisite for the self-service system that applies to journeys by public transport in the Capital area.

Therefore, we consider the inspection fee to have been correctly issued."

Til dette har klageren anført:

"It seems that much of this decision is based on the fact that I did not say where I boarded the bus. I left Copenhagen the following day (17 August), and Denmark itself shortly thereafter as I was on my bike en route to Germany. As a non-Danish speaker I can't pronounce, spell or remember Danish station names, and could obviously not retrace my footsteps when completing the appeal, to find the exact station name - hence the fact that I could not supply you with this information. I had certainly not been on the bus for very long - possibly one stop.

To reiterate, this was the only bus journey I took whilst on my travels. I left Toro in Sweden and travelled nearly 2000km on my bike to climb Zugspitze, with just this one short bus journey to sort my phone out on the advice of a Danish local. I know that this won't necessarily impact the result, but it may give you a better idea of my character. I am not trying to cheat the Danish Transport System. I do not reside in the EU and I have no plans to return to Denmark. I am therefore not abusing your system - but rather I am an 18 year old tourist in your country who didn't realise that I couldn't buy a ticket on the bus. It can be quite overwhelming in a foreign city where you don't speak the language and lack the confidence to approach people to ask. I am sorry. "

På ankenævnets vegne



Lone Bach Nielsen
Nævnensformand