

## AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

- Journalnummer:** 25-0486
- Klageren:** XX  
2000 Frederiksberg
- Indklagede:** Metroselskabet I/S v/Metro Service A/S  
**CVR-nummer:** 21 26 38 34
- Klagen vedrører:** Kontrolafgift på 750 kr. grundet udløbet pendlerkort
- Parternes krav:** Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at han ikke var klar over, at hans pendlerkort var udløbet tidligere samme dag og at han ikke havde modtaget nogen notifikation om dette
- 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. juni 2026 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](http://www.domstol.dk), [www.advokatnoeglen.dk](http://www.advokatnoeglen.dk) og /eller eget forsikringssselskab om eventuel forsikringsretshjælp.

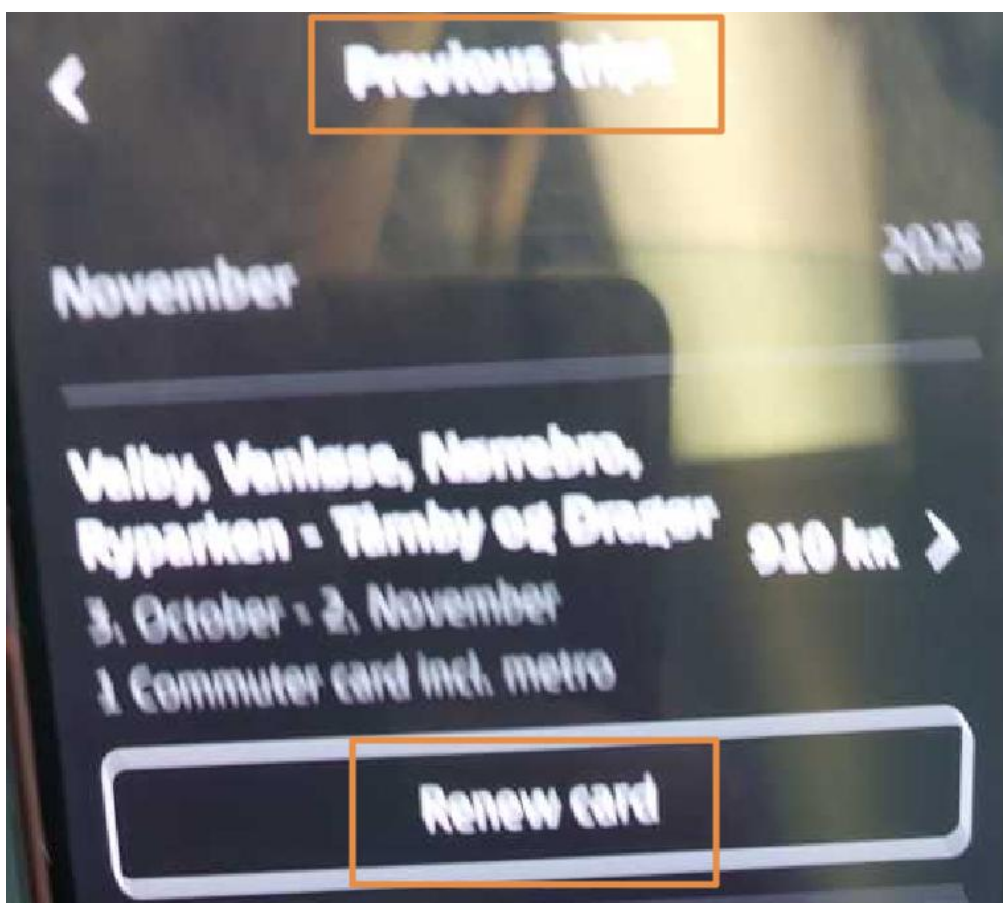
### SAGENS OMSTÆNDIGHEDER:

Klageren blev den 2. november 2025 kl. 08:17 mødt af billetkontrollen i Metroen efter afgang fra Lindevang st. mod Lufthavnen st.

Ved billetkontrollen foreviste klageren et pendlerkort i DSB-appen, som var udløbet samme dag kl. 03:59. Klageren fornyede efterfølgende pendlerkortet kl. 08:20.

Klageren havde den 3. oktober 2025 købt et pendlerkort gældende frem til den 2. november 2025. Klageren har oplyst, at vedkommende ikke modtog en notifikation om fornyelse, og at udløbet derfor ikke blev opdaget før kontrollen.

Udklip af den fremviste DSB-app, hvor info om det udløbne pendlerkort ses under "Previous trips" og med mulighed for at vælge "Renew card":



Kontrolløren udstedte herefter en kontrolafgift på 750 kr.

Klageren anmodede efterfølgende Metro Service om at annullere kontrolafgiften, idet han anførte:

Hello there, I received a fine for not having a ticket and would like to know if there is any chance of waiving the fee. I had the monthly pass and it expired at 4am on 2/11. I received the fine at 8am on the same day, I didnt get a notification from the app and I forgot to buy renew it. I bought it after the kontroler gave me the fine. He took a picture of my expired pass and suggested me to contact you with my case. My old pass ticket number 55A9u7jE /

Metro Service fastholdt kontrolafgiften den 18. november 2025 og begrundede dette med, at klagerens pendlerkort var udløbet ved billetkontrollen, samt at det påhvilede klageren at sikre sig, at pendlerkortet blev fornyet inden rejsen.

### **ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:**

Ankenævnet lægger til grund, at klagerens pendlerkort var udløbet den 2. november 2025 kl. 03:59, og at klageren ved kontrollen kl. 08:17 samme dag ikke var i besiddelse af gyldig rejsehjemmel.

Det forhold, at klageren ikke modtog en notifikation om fornyelse af pendlerkortet, kan ikke føre til et andet resultat. Ankenævnet bemærker, at det er passagerens eget ansvar at sikre sig gyldig rejsehjemmel inden påstigning, uanset om der modtages påmindelser eller ej.

Det forhold, at klageren umiddelbart efter kontrollen fornyede sit pendlerkort, kan heller ikke føre til fritagelse for kontrolafgiften, idet gyldig rejsehjemmel skal være modtaget inden rejsens påbegyndelse.

Ankenævnet finder herefter, at kontrolafgiften er pålagt med rette.

Ankenævnet bemærker, at det ikke er en betingelse for at pålægge en kontrolafgift, at passageren har handlet bevidst, og 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 trafikskaber 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:**

"Hello there, I'm filing a complaint since I was given a fine for not having a valid ticket or pass in the metro. On October 3rd 2025 I paid for the monthly ticket until November 2nd 2025 (55A9u7jE / 8849509) including metro. On November 2nd at 4am my ticket expired and I did not receive the notification to renew the monthly ticket. Around 8:20am on 02/11 I met the controller in the metro on my way to the airport and then I realised my ticket had expired. The controller suggested to reach out to DSB in order to waive the fee or to get a reduction in the price and he even took a picture of the expired ticket. He told me to get the new ticket as well which I did immediately (55AVNG3L / 8849509). I have gotten tickets before and I have gotten some consideration after explaining why I got the fine. I was hoping that after informing this case to the company they would be considerate towards an honest mistake from someone going to work on a Sunday morning.  
Please help.

I would like to get the cost of the fine waived since I pay close to 1000 dkk every month and I follow the rules like every good citizen. I would like to avoid being punished for an honest mistake and to avoid paying for something unfairly.  
Thank you.

### **Indklagede anfører følgende:**

"As requested, we hereby send our comments and appendices to the above complaint.

In the specific case, the complainant was met with ticket inspection on the Metro on the 2<sup>nd</sup> of November 2025 at 08:17am after departure from Lindevang station heading towards Lufthavnen station. When asked to present their ticket, complainant showed a commuter pass in the DSB app that had expired earlier that day at 03:59am. Consequently, our steward issued an inspection fee to the complainant in correspondence with applicable regulations.

Like all other public transport in the Greater Copenhagen area, the Metro operates as a self-service system, where it is the passenger's responsibility to ensure they are in possession of valid travel document that can be presented upon request before boarding any mode of transportation. In cases where a valid travel document cannot be presented, an inspection fee must be accepted, which for an adult on the Metro amounts to DKK 750. This fundamental rule is a prerequisite for the self-service system that applies to travel by public transport in the Greater Copenhagen area.

These rules are also outlined in the Joint National Travel Regulations, which can be read in full here: [The Joint National Travel Regulations](#). Furthermore, there are information boards and signs on all Metro stations informing passengers that a valid ticket must be in their possession prior to boarding. See below for relevant excerpts (highlights made by Metro):

#### **2.4. Use of travel document**

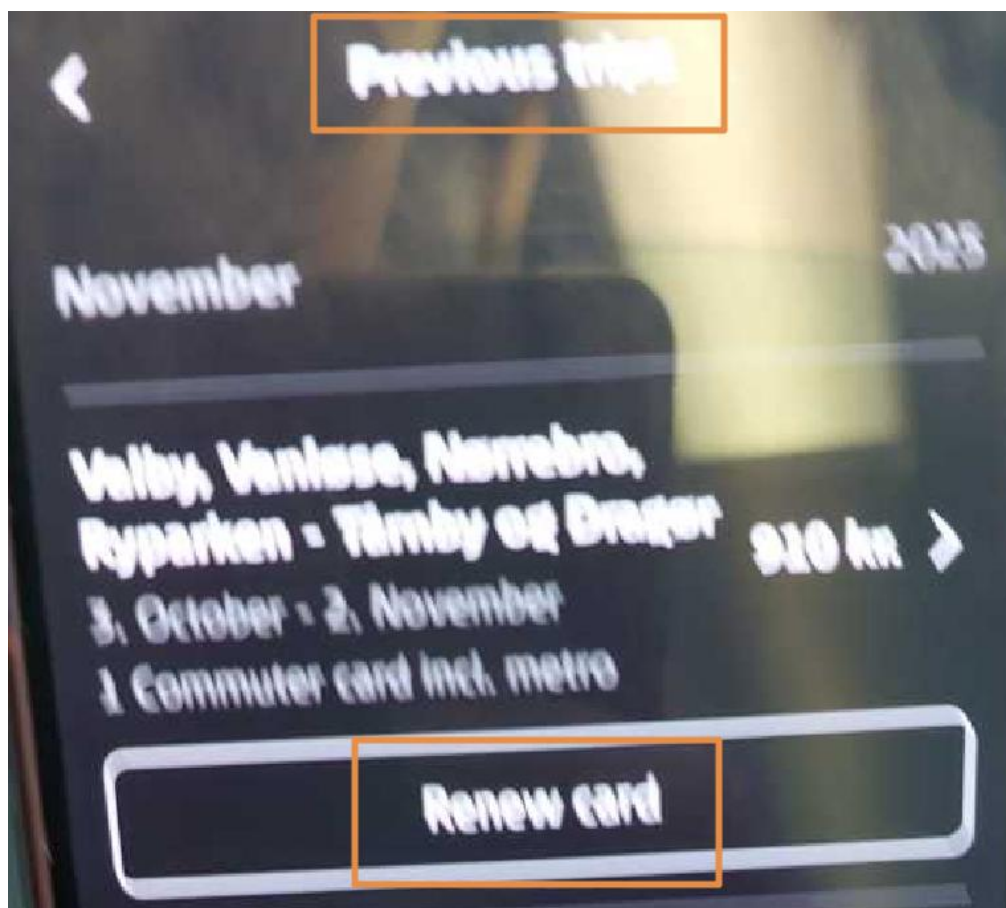
Public transport in Denmark is an open system with widespread self-service, and it is therefore always the customer's own responsibility to have a valid travel document upon boarding, including ensuring that the Rejsekort has been checked in correctly. When receiving the travel document, the customer must make sure that the ticket is in accordance with the desired requirements.

And:

##### **2.4.1. Use of single tickets and cards issued on cardboard, paper or via mobile phone**

Commuter cards and season tickets are valid for the time period that is printed on them. Commuter cards and season tickets must be valid for all the zones that the journey passes through. The text on a Commuter card valid in zones 1-4 in DOT will state whether the pass is valid on the metro or not. Any customer travelling on the metro with a Commuter card not valid for the metro does not have a valid travel document.

When met with ticket inspection, complainant showed his commuter pass, which had expired. While the image is slightly blurry, from the photo taken in the control situation, it can be seen that the commuter pass is archived in the menu 'Previous trips' and that there is an option to 'Renew Card' (brackets for emphasis made by Metro):



DSB confirm that the complainant's commuter pass had expired on the 2<sup>nd</sup> of November 2025 at 03:59am and that the commuter pass was renewed on the 2<sup>nd</sup> of November 2025 at 08:20am.

In his inquiry to Metro, complainant writes that he forgot to renew his card and that he did not receive a notification to renew his commuter pass. DSB confirm that it is possible to opt in to receive notifications; however, DSB cannot check whether a notification has been received, nor can they check the settings for receipt of notifications a customer has registered on their mobile device. Furthermore, it must be emphasized that a notification – received or not – does not exempt any passenger from their obligation to be in possession of a valid travel document when they travel. Had complainant opened his DSB app and checked his commuter pass prior to travelling, he would have been aware that the commuter pass had expired and could have renewed it then.

Complainant further notes in his complaint to the Appeal Board that he renewed his commuter pass immediately, and that our steward directed him to contact Customer Service to '*waive the fee or get a reduction*'. (complainant writes DSB in his inquiry to the Appeal Board; however, we assume complainant meant Metro ). While our steward does not remember the specific ticketing situation, he has informed us that any recipient of an inspection fee will be referred to contact Customer Service for any complaint or review of their case, and that he does not comment on the expected outcome on a registered complaint.

All our stewards are instructed to refer all passengers, who wish to register a complaint, to contact Customer Service. They cannot and should not comment on the outcome on any case. Consequently, it is our conclusion that our steward acted in accordance with applicable guidelines and regulations, both in issuing the inspection fee and in referring complainant to contact Customer Service.

While we sincerely understand that this situation is unfortunate for the complainant, we want to treat all passengers equally. Consequently, we do not take into consideration whether a passenger has acted in good or bad faith, nor if the passenger intended to travel without a valid ticket. We only consider whether the passenger – prior to boarding – has ensured that they are in possession of a valid ticket which can be presented at any time on the journey.

We therefore maintain that the inspection fee has been imposed correctly and that the subsequent case processing is also in accordance with applicable regulations, and we maintain our demand for payment of the inspection fee. The fact that the complainant subsequently renewed his commuter pass cannot lead to exemption from the inspection fee and we draw attention to the Appeals Board's decision in a similar case (24-0434).”

På ankenævnets vegne



Lone Bach Nielsen  
Nævnshoved