

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer:	26-0008
Klageren:	XX Lund, Sverige
Indklagede: CVR-nummer:	Metroselskabet I/S v/Metro Service A/S 21 26 38 34
Klagen vedrører:	Kontrolafgift på 750 kr. grundet rejse med Metroen uden billet
Parternes krav:	Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at han var af den opfattelse, at Metroen var gratis om søndagen Indklagede fastholder kontrolafgiften
Ankenævnets sammensætning:	Nævnshoved, dommer Lone Bach Nielsen Dorte Thorup Andreas Sabroe Helle Berg Johansen Dorte Lundqvist Bang

Ankenævnet for Bus, Tog og Metro har på sit møde den 28. oktober 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, www.advokatnoeglen.dk og /eller eget forsikringsselskab om eventuel forsikringsretshjælp.

SAGENS OMSTÆNDIGHEDER:

Klageren rejste den 7. december 2025 med Metroen. Imidlertid kom der billetkontrol i Metroen efter Kongens Nytorv station i retning mod København H. Klageren kunne ved kontrollen ikke forevise gyldig rejsehjemmel og blev derfor pålagt en kontrolafgift på 750 kr.

Klageren har oplyst, at han som international studerende bosiddende i Sverige, var af den opfattelse, at den kollektive transport i København var gratis om søndagen i december som følge af en julekampagne, som han havde set omtalt. Han antog derfor i god tro, at ordningen omfattede Metroen. Klageren har endvidere anført, at det for personer, som ikke er bekendt med det danske kollektive transportsystem, kan være vanskeligt at skelne mellem de forskellige trafikselskaber og transportformer.

Metro Service har oplyst, at DSB i december 2025 gennemførte en kampagne, hvorefter det var muligt at rejse gratis med S-tog på udvalgte søndage. Ifølge Metro Service fremgik det tydeligt af kampagnematerialet, at tilbuddet alene gjaldt S-tog, og at det krævede registrering i DSB+ appen. Kampagnen omfattede ikke Metroen.

PARTERNES ARGUMENTER OVER FOR ANKENÆVNET:

Klageren anfører følgende:

"On Sunday, December 7th, I traveled on the Metro under the firm impression that travel was free of charge. There was widespread public information and news coverage stating that public transport (specifically Advent Sundays) was free in December 2025.

As an international student commuting between Sweden and Denmark, I acted in good faith. I misunderstood that this campaign might have been limited to S-trains (DSB) or required a specific app download, as the general marketing simply highlighted "free travel on Sundays." Distinguishing between operators within Copenhagen's integrated zone system is extremely difficult for non-residents when such broad campaigns are advertised.

Based on the principle of excusable error and legitimate expectation, I kindly ask for leniency in this matter. My intention was never to evade payment. I hold a valid travel account and have a history of paying for my travels. This infraction was solely due to an honest confusion caused by the complexity of the "Free Sundays" campaign.

Imposing a 750 DKK fine on a student for a genuine misunderstanding derived from public announcements feels disproportionate. I believe my right to a fair defense includes the opportunity to explain that this was a cognitive error based on misleading information, not an attempt to free-ride.

I respectfully request that you cancel this fee."

Indklagede anfører bl.a. følgende:

"In the specific case, the complainant was met with ticket inspection on the Metro December 7, 2025, at 08:06 am after departure from Kongens Nytorv station heading towards København H. station. The complainant did not have any form of travel authorization and was therefore issued an inspection fee in accordance with applicable regulations.

In his inquiries to Metro and the Appeals Board, complainant explained that he had seen advertisements stating that it was free to use public transport in Copenhagen on Advent Sundays in December and that it was his opinion that this applied to all forms of public transport.

The complainant also explains that he is an international student residing in Sweden, that he had no intention of evading payment and that it is extremely difficult for non-residents to understand the difference between the different transport companies and the zone system.

It is correct that DSB had a Christmas campaign where it was possible to travel for free on the S-train the last 5 Sundays of 2025.

The campaign was marketed on several different channels and for all of them the message communicated very clearly that it was S-TRANS and that it required that you have the DSB+ app on your phone.

Below are some examples of how the campaign message was communicated:



**Det' jul.
Det' gratis.**

Rejs gratis med S-toget
alle søndage resten af året*

 **Aktivér i DSB-appen**

*Tilbuddet skal aktiveres i DSB-appen og kræver DSB Plus profil med ja til tilbud og nyheder. Alle under 15 år kan rejse gratis uden DSB-appen og DSB Plus profil. Læs mere om tilbuddet og hvordan dine personoplysninger behandles i DSB Plus, på dsb.dk/sondag.



The campaign was also on Facebook. The short video can be viewed in its entirety at this link <https://www.facebook.com/reel/898507339169114> and for convenience we have supplemented it with a few clips from the video below:

DSB 24. november 2025 · 🌐

Nu kan du rejse gratis med S-toget alle søndage resten af året 🎁🚆

Det er snart december og jul, derfor er vi i gave humør og vil vi gerne give en smule tilbage til dig. Derfor kan du resten af året rejse gratis med S-tog alle søndage 🇩🇰

Tilbuddet aktiveres gratis i DSB-appen 📱🔗

*Tilbuddet aktiveres i DSB-appen og kræver DSB Plus profil med ja til tilbud og nyheder.

Alle under 15 år kan rejse gratis uden DSB-appen og DSB Plus profil.

Læs mere om tilbuddet og hvordan dine personoplysninger behandles i DSB Plus, på dsb.dk/sondag.



**Gratis S-tog
om søndagen!**

0:02 / 0:36

DSB 24. november 2025 · 🌐

Nu kan du rejse gratis med S-toget alle søndage resten af året 🎉🚆

Det er snart december og jul, derfor er vi i gave humør og vil vi gerne give en smule tilbage til dig. Derfor kan du resten af året rejse gratis med S-tog alle søndage 🥰

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0:09 / 0:36



The language is of course Danish.

Since the complainant, as far as we know, does not speak Danish, a translation of the message was necessary.

We are therefore surprised that the complainant understood that 'gratis' means free, but did not read the rest of the message in the campaign, namely that it was an offer for S-train passengers AND that it required registration in the DSB+ app.

If you have selected English as the language on your mobile phone, the DSB app will automatically be in English. And if the complainant had read the entire message in the Christmas campaign and thus downloaded the DSB app, he would also have been able to read there that free Sundays only applied to travel by S-train.

Although it may be difficult to understand the Danish language and how public transport in Denmark works, we do not believe that it can be an excuse for not having familiarized yourself with the rules and conditions before starting a journey on the metro.

On the contrary, we are of the opinion that if you want to visit another country, you have a stricter duty to familiarize yourself with how things work so that you are as well prepared as possible and can avoid unpleasant surprises.

We would like to emphasize that we do not believe that the complainant had the intention to evade payment. However, this does not make any difference in relation to the inspection fee. The travel regulation apply to everyone regardless of whether you are a child or adult, student or senior, resident or tourist and regardless of income and travel pattern.

Since the complainant did not have a valid travel document at the time of ticket inspection, the inspection fee was rightly imposed, just as the subsequent decision in first instance is also correct. We uphold the claim for payment of DKK 750.00.

Til dette har klageren gjort gældende:

“While I appreciate Metro acknowledging that I had no intention of evading the fare, I fundamentally disagree with their justification for upholding the inspection fee. I would like the Appeal Board to consider the following points:

1. The "Gratis" Misunderstanding: In their response, Metro expressed surprise that I supposedly translated the word "gratis" but failed to translate the rest of the campaign's conditions. This is an incorrect assumption. My native language is Spanish, where the word for free is also exactly "gratis". I did not use a translation tool; I simply saw a public transit advertisement prominently featuring a word identical to my native language. I did not selectively ignore the Danish text; the central message just intuitively registered, leading to an honest cognitive leap.

2. The Complexity of the Copenhagen Transit System:
Metro argues that visitors have a strict duty to familiarize themselves with local rules. However, to an international student, the Greater Copenhagen transit system (Metro, S-train, DSB, buses) appears as one highly integrated, unified network. The marketing campaign by DSB was highly visible across the city. For a non-resident, making a sharp distinction between an "S-train" and a "Metro" train when both operate under the same overarching infrastructure is highly unintuitive.

3. Proportionality of the Penalty:
The strict liability rule and the DKK 750 inspection fee exist to deter and punish bad-faith fare evasion. Metro explicitly concedes that I am not a fare evader and had no intention of breaking the rules. Imposing a maximum punitive fine on a passenger who made a verifiable, bona fide mistake, a mistake directly triggered by the broad marketing of their own transit partner, is disproportionate and unfair.

I was attempting to participate in what I reasonably believed was a city-wide festive initiative. I respectfully ask the Appeal Board to consider the context of this specific misunderstanding and waive the fee.”

Til dette har indklagede gjort gældende:

“Regardless of whether the missing ticket is due to an unintentional incident such as lack of knowledge of how public transport works in the city / country you are visiting, you will be issued an inspection fee if you cannot present a valid ticket at the inspection.

We understand that it is an unfortunate situation for the complainant that he did not examine the entire text of DSB's campaign but simply assumed that when the Danish word GRATIS means free and the same word GRATIS in Spanish also means free, then it would be free to travel on the metro.

A metro inspection fee currently amounts to 750 kroner for a person over 16 years of age and is not graduated depending on the reason for the inspection fee regardless of income and social status.”

Til dette har klageren gjort gældende:

“I would like to respectfully draw the Board's attention to the shifting nature of Metro's argumentation, which highlights a concerning level of arbitrariness in their review process.

In their first response, Metro based their refusal on the specific accusation that I had selectively used a translation tool. They explicitly stated their surprise that I understood the word "gratis" but ignored the rest of the Danish text.

Once I clarified that "gratis" is identical in my native Spanish and required no translation, proving that my misunderstanding was a genuine cognitive assumption rather than selective reading, Metro abandoned their initial logic entirely. Instead of acknowledging the merit of this clarification, they have now pivoted to a blanket statement of strict liability. They are entirely disregarding the specific context they previously argued was so crucial to their decision.

This failure to genuinely reconsider the facts demonstrates why a superior review by the Appeal Board is necessary. When a first instance reviewer merely replaces a defeated argument with a generic absolute rule, it ceases to be a fair reconsideration.

I am seeking fairness for a verifiable and legitimate mistake caused by a misleading public transit campaign, not a mechanical application of a penalty designed for fare evasion.”

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Ankenævnet lægger til grund, at klageren ved kontrollen den 7. december 2025 rejste med Metroen uden gyldig rejsehjemmel.

Ankenævnet finder, at det forhold, at klageren var af den opfattelse, at der kunne rejses gratis med Metroen som følge af DSB's kampagne om gratis rejser med S-tog på udvalgte søndage, ikke kan føre til et andet resultat. Ankenævnet har herved lagt vægt på, at kampagnen ikke omfattede Metroen, og at det er passagerens eget ansvar inden rejsens begyndelse at sikre sig gyldig rejsehjemmel til den konkrete rejse.

Herefter blev kontrolafgiften til klageren pålagt med rette, og da det ikke er en betingelse for at pålægge en kontrolafgift, at passageren bevidst har søgt at unddrage betaling, finder ankenævnet, at der ikke har foreligget sådanne særlige omstændigheder, at kontrolafgiften skal frafaldes.

RETSGRUNDLAG:

Ifølge § 2, stk. 1, jf. § 3 nr. 3 i lovebekendtgørelse 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.

På ankenævnets vegne



Lone Bach Nielsen
Nævningsformand