

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer: 26-0181

Klageren: XX
2630 Taastrup

Indklagede: Movia
CVR-nummer: 29 89 65 69

Klagen vedrører: Kontrolafgift på 1.000 kr. grundet udløbet billet i DSB-appen

Parternes krav: Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at hun var forblevet indchecket i DSB-appen fra en tidligere rejse og derfor ikke selv havde checket ud i appen forud for billetkontrollen

Indklagede fastholder kontrolafgiften

Ankenævnets sammensætning: Nævnensformand, 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 2. september 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 forsikringsselskab om eventuel forsikringsretshjælp.

SAGENS OMSTÆNDIGHEDER:

Klageren rejste den 16. februar 2026 med Movias buslinje 123.

Ved billetkontrol blev der udstedt en kontrolafgift på 1.000 kr. med den begrundelse, at klageren ikke kunne forevise gyldig rejsehjemmel.

Af Movias oplysninger fremgår, at kontrolløren steg på bussen ved Høje Taastrup Station kl. 14:16:20, hvor klageren efter det oplyste også steg på. Ved kontrollen foreviste klageren en DSB-app, men ifølge Movia og oplysninger indhentet fra DSB var der ikke et aktivt check ind på kontroltidspunktet. Kontrolløren noterede desuden, at klagerens telefon løb tør for strøm, efter at kontrolløren havde scannet billetten. Kontrolafgiften blev udstedt kl. 14:25:34.

Klageren har oplyst, at hun tidligere samme dag havde checket ind i DSB-appen ved rejsens begyndelse og rejst til Hvidovre Hospital. Da hun forventede at vende tilbage inden for to timer, foretog hun ikke check ud ved hospitalet. Efter hospitalsbesøget rejste hun retur og gjorde undervejs ophold ved en dagligvarebutik i Rødovre. Hun har gjort gældende, at rejsen fortsat fremstod som aktiv i DSB-appen, og at kontrolløren også kunne se dette, men at kontrollørens udstyr viste, at billetten ikke længere var gyldig. Klageren har anført, at der var tale om en teknisk fejl i DSB-appen, som hun ikke havde mulighed for at opdage, og at hendes telefon først løb tør for strøm umiddelbart efter kontrollen.

PARTERNES ARGUMENTER OVER FOR ANKENÆVNET:

Klageren anfører følgende:

"I am mainly complaining against DSB. As always on 16th February I checked in DSB app to go to Hvidovre hospital, for that I rode on the glostrup 123 bus to reach taastrup station from kuldysen bus stop. From there I caught farum train and stopped at Rodovre station and reached hospital by Buddinge 200s bus from there. After my appointment I came back the same way I went there. In between I went to grocery shop at Rodovre at about 1.30 pm. And this was the time DSB stopped my digital ticket and the location they were showing was fredensvej, near taastrup station. Whereas I was not there at that moment and I have prove that I was at Rodovre at that moment, at Ottoman grocery shop. I also showed it to Movia. I wonder what investigation have they done that they could not find any fault from DSBs' side! The most awful thing is there was no way to see that my ticket has been stopped. Because the app was showing that my ticket was ongoing, the hours and minutes were still going. I always keep checking my online ticket if it is working. It was working fine on that day. The ticket checker in Glostrup 123 bus from hoje taastrup station also have seen that the ticket was going just fine, but it only showed to be stopped at his checking machine!! It was clearly a technical issue from DSB app, which is not my fault, also there was no way to figure out the issue without checker's checking machine. You can ask the checker, he also saw that the ticket had been seen like a valid ticket. I believe that he also believed me and suggested me to complain a file to movia, so that I dont have to pay fine. However, the time duration was 2 hours plus. Nobody can say that it has been stopped. That too at a place, where I have not been and again I am saying that I have proof of that. But surprisingly there is nobody to hear me!! Such an unfair Justice!! I am feeling like a prey of racism Im so sorry to say,, because where I have no fault, there I am being asked, fined and refused again and again. And It's hard to believe that the injustice is happening in a country like Denmark, where I used to feel safe. I humbly request you to investigate my location at that day and the technical issue done by DSB. The police can collect all the information about people's location by technology, if needed please use that. Still get me rid off the false allegation and fine."

Indklagede anfører bl.a. følgende:

"Movia respectfully maintains that the inspection fee was correctly issued. This is based on the fact that the complainant was unable to present a valid ticket upon the inspector's request on board the bus.

The complainant's case concerns an incident during a ticket inspection, where she was unable to present a valid ticket. According to DSB, there was no record of any check-in in their app at the time of the inspection.

Inspection fee

The inspector entered the bus 123 at 14:16:20 at Høje Tåstrup St. on the 16.02.2026. Complainant claims to have boarded the bus at the same stop.

Where did you board the bus?: Høje taastrup station

During the inspection, the inspector noted that the complainant's phone was switched off. The inspector recorded that the device had shut down due to lack of battery power, but during the case assessment we are unable to determine whether the complainant herself turned off the phone in order to later claim that she had held a valid ticket, or whether the shutdown was in fact caused by low battery or other technical issues.

The inspector wrote the following note:

Bemærkning	Hende tlf er gået ud for strøm derfor nåede jeg kun og se og skanne den og den viser hun har fået penge retur 559PMCVU [redacted] DSB billet
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Due to the invalid ticket presented, the complainant was issued an inspection fee at 14:25:34.

Stop	Høje Taastrup St.
Påstigning	16-02-2026 14:16:20
Udstedt dato/tid	16-02-2026 14:25:34
Stået af	16-02-2026 14:27:21

Comments and decision

Movia received an enquiry from the complainant later the same day the inspection fee was issued.

The complainant states that she checked in for her trip, did not check out because she expected to return within two hours, and that the journey appeared as ongoing in the DSB app. She claims the inspector also saw the ongoing trip, but the app was not functioning properly.

Excerpt from the complaint on 16.02.2026:

"I checked in from kuldysen for Glostrup 123 to reach Hvidovre Hospital at 11.33 am. I went to the hospital and did not checked out because I was supposed to come back within 2 hours. After having done with my test in the hospital, I came back just the way I went there. I took Buddinge 200s to reach Rodovre station to catch Høje taastrup train around 1 pm..... My trip was being shown ongoing till the end of my journey and the checker also saw that my journey was still running for more than 2 hours in my dsb app but it was not working"

During the case processing, we referred the matter to DSB for a consultation in order to obtain information regarding the complainant's check-in or lack of check-in. We asked whether the customer held a valid ticket at the time of the inspection, and what, according to DSB, occurred in the situation described by the complainant.

Questions to DSB:

Vi ønsker oplysninger om:

- Har kunden haft en gyldig billet på kontroltidspunktet?
- Kan I oplyse, hvad der er sket i situationen, som kunden beskriver?

DSB informed us that the complainant did **not** hold a valid ticket at the time of the inspection. They are unable to clarify exactly what happened on the complainant's device in this specific case. However, they point out that the complainant chose not to check out upon arrival at the hospital, and that if the automatic check-out function was enabled, she may have been automatically checked out 15 minutes after leaving the bus. They also note that a phone being switched off can trigger an automatic check-out after 90 minutes, whether the shutdown is due to low battery or because the user has turned off the phone manually.

DSB: "Kunden havde ikke en gyldig billet på kontroltidspunktet. Hvad der præcist er sket hos kunden, kan jeg ikke se. Som kunden beskriver det, vælger hun ikke at checke ud da hun ankommer til hospitalet. Har kunden Automatisk check ud slået til, vil hun være blevet checket ud 15 minutter efter at kunden er stået af transportmidlet. Er kundens telefon løbet tør for strøm, vil systemet automatisk checke kunden ud 90 minutter efter, at forbindelsen til telefonen er mistet."

Åben billet

Start Tid	Transportmiddel	Fra	Til	Slut Tid
11:33	MOVIA Bus 123	Kuldysen (Høje Taastrup Vej)	Fredensvej (Vesterparken)	13:18

Antal	Produkt	Enhedspris	Sum
1	voksen	38,00 kr.	
	tidsrabat (20%)	-7,60 kr.	
	Samlet pris	30,40 kr.	30,40 kr.
		=====	
	Samlet trip pris		30,40 kr.
			=====
	Samlet pris		30,40 kr.



Betaling	Status	Attribut	Værdi
Status	SETTLED	Samlet pris	30,40 kr.
Status Text		Check Ind dato	16.02.2026
Order Id	273220991	Card Number	VISA 487145XXXXXX7924
		Bonus Points	0

It is a fundamental requirement that all passengers must hold valid travel documentation before boarding the bus. This also includes ensuring that one is correctly checked in in the app before entering the vehicle. Purchasing a new ticket after a ticket inspection has begun does not retroactively validate the journey or exempt the passenger from the inspection fee.

We refer to § 2.4, which states that it is always the customer's own responsibility to have a valid travel document upon boarding and to ensure that the ticket meets all requirements.

On this basis, we find that the responsibility lies with the complainant. Movia does not assess the reason for the absence of a valid ticket—whether it is due to deliberate fare evasion, oversight, forgetfulness, technical issues, or any other cause. An inspection fee is issued solely because the passenger is unable to present valid travel documentation at the time of inspection.

In other words, the issuance of an inspection fee depends not on intent or circumstances, but strictly on whether a valid ticket can be presented when checked.

Under § 2.7.1 of the joint national travel regulations, lack of battery power or other technical issues on the customer's phone does not constitute an automatic excuse for avoiding an inspection fee. It remains the passenger's responsibility to ensure that valid travel documentation can be presented at the time of inspection.

2.7. Inspection fee

2.7.1. Validity of travel documents

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.

Movias conclusion

The complainant met the inspector at approximately 14:20 on the day in question. According to information provided by DSB, the complainant had been checked out of the app since 13:18—around one hour before the inspection took place.

DSB proposes that the check-out may have occurred either through the app's automatic check-out function or because the complainant's phone had been switched off for an extended period. It is not possible for Movia to determine why the complainant was not checked in at the time of inspection, nor whether the phone was switched off due to an actual lack of battery power or intentionally in order to later claim that a valid ticket had been held.

Movia has no basis to assume that the complainant deliberately attempted to avoid payment. However, we have no way of establishing the cause of the missing ticket. We emphasize that regardless of whether the absence of a valid ticket is due to forgetfulness, technical issues, intentional behavior, or any other reason, an inspection fee is not dependent on motive but solely on whether valid travel documentation can be presented at the time of inspection.

Passengers travelling with app must always ensure, before beginning their journey, that they are correctly checked in in the app. If a passenger fails to verify this and nevertheless starts their journey, they do so at their own risk of receiving an inspection fee. The public transport system is based on self-service, and it is therefore the sole responsibility of the customer to ensure that valid travel documentation can be presented when checked.

For these reasons, the inspection fee is upheld.”

Til dette har klageren anført:

"I am quite surprised to see that my phone being dead just after checking by the checker was quite highlighted in the case. But the checker did not mention that I headed to him immediately when I noticed my phone had very less charge. And as an evidence I attached a picture of my location in a grocery shop at Rodovre. That was just neither mentioned nor investigated. Also, I can clearly say that my DSB app has no auto check out system, neither my phone got switched off before the chauffeur checked. All the assumption has been made on my case does not make sense, which surprised me quite a lot. The reviewer has got a lot of things to assume but got nothing to do with the things I have told or shared."

SEKRETARIATETS UNDERSØGELSER:

Ankenævnets sekretariat har i forbindelse med sagens behandling anmodet Movia sende oplysninger om den billet, som klageren fremviste ved billetkontrollen:

"Til trafikvirksomheden

For sekretariatets korrekte forståelse af sagen, skal vi bede jer oplyse følgende:

1. Movia oplyser, at klageren ikke havde en aktiv billet/check ind på kontrolltidspunktet. Kontrolløren har noteret, at vedkommende har scannet en DSB-billet med nr. 559PMCVU. Hvilken billet har klageren fremvist, som kontrolløren har scannet ved kontrollen?"

Til dette har Movia svaret:

"Til Ankenævnet vedrørende 26-0181:

Billetten med koden, 559PMCVU, er klagers tidligere check ind og ud på en rejse, der sluttede en time forinden.

Åben billet				
Start Tid	Transportmiddel	Fra	Til	Slut Tid
11:33	MOVIA Bus 123	Kuldysen (Høje Taastrup Vej)	Fredensvej (Vesterparken)	13:18
Antal	Produkt	Enhedspris	Sum	
1	voksen	38,00 kr.		
	tidsrabat (20%)	-7,60 kr.		
	Samlet pris	30,40 kr.	30,40 kr.	
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	Samlet trip pris		30,40 kr.	
			=====	
	Samlet pris		30,40 kr.	
Betaling	Status	Attribut	Værdi	
Status	SETTLED	Samlet pris	30,40 kr.	
Status Text		Check Ind dato	16.02.2026	
Order Id	273220991	Card Number	VISA [REDACTED]	
		Bonus Points	0	

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ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Ankenævnet lægger på baggrund af de foreliggende oplysninger til grund, at klageren ikke havde et aktivt check ind i DSB-appen på tidspunktet for billetkontrollen. Ankenævnet har herved lagt vægt på, at DSB har oplyst, at klageren ikke havde gyldig rejsehjemmel på kontroltidspunktet, og at den billet, som kontrolløren scannede, vedrørte en tidligere rejse, der var afsluttet ca. en time inden kontrollen.

Klagerens oplysninger om, at rejsen fortsat fremstod som aktiv i DSB-appen, og at der må have været tale om en teknisk fejl, kan ikke føre til et andet resultat. Ankenævnet bemærker, at der ikke er fremlagt dokumentation, som godtgør, at der forelå et aktivt check ind på kontroltidspunktet, eller at DSB's system registrerede et gyldigt check ind, som ikke kunne aflæses ved kontrollen.

Det forhold, at DSB ikke har kunnet fastslå den konkrete årsag til, at klagerens rejse var afsluttet, ændrer heller ikke ved, at klageren efter de foreliggende systemoplysninger ikke havde gyldig rejsehjemmel ved kontrollen. Tilsvarende kan klagerens oplysninger om sin placering i Rødovre ikke føre til en anden vurdering.

Herefter blev kontrolafgiften på 1.000 kr. til klageren pålagt med rette.

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 trafikselskaberne – som monopolliggende virksomheder – selv fastsætter kontrolafgiftens størrelse. Dette giver selskaberne mulighed for at indføre kontrolafgifter, som ville være forretningskadelige, hvis der var reel konkurrence på markedet. Forbrugerrepræsentanterne indgiver derfor en mindretalsudtalelse vedrørende kontrolafgiftens størrelse. Denne udtalelse er en mindretalsbemærkning og er udtryk for forbrugerrepræsentanternes principielle holdning. Udtalelsen ændrer ikke afgørelsen i den konkrete sag og medfører ikke en nedsættelse af kontrolafgiften.”

RETSGRUNDLAG:

Ifølge lov om trafikselskaber § 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 Rejekort 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 Rejekort Personligt benyttes.

På ankenævnets vegne



Lone Bach Nielsen
Nævnensformand