

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer:	26-0182
Klageren:	XX UK
Indklagede: CVR-nummer:	Metroselskabet I/S v/Metro Service A/S 21 26 38 34
Klagen vedrører:	Kontrolafgift på 750 kr. grundet rejse uden billet
Parternes krav:	Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at hun havde glemt at medbringe sit fysiske City Pass, men indsendte efterfølgende kopi heraf Indklagede fastholder kontrolafgiften
Ankenævnets sammensætning:	Nævnshoved, 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 2. september 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.

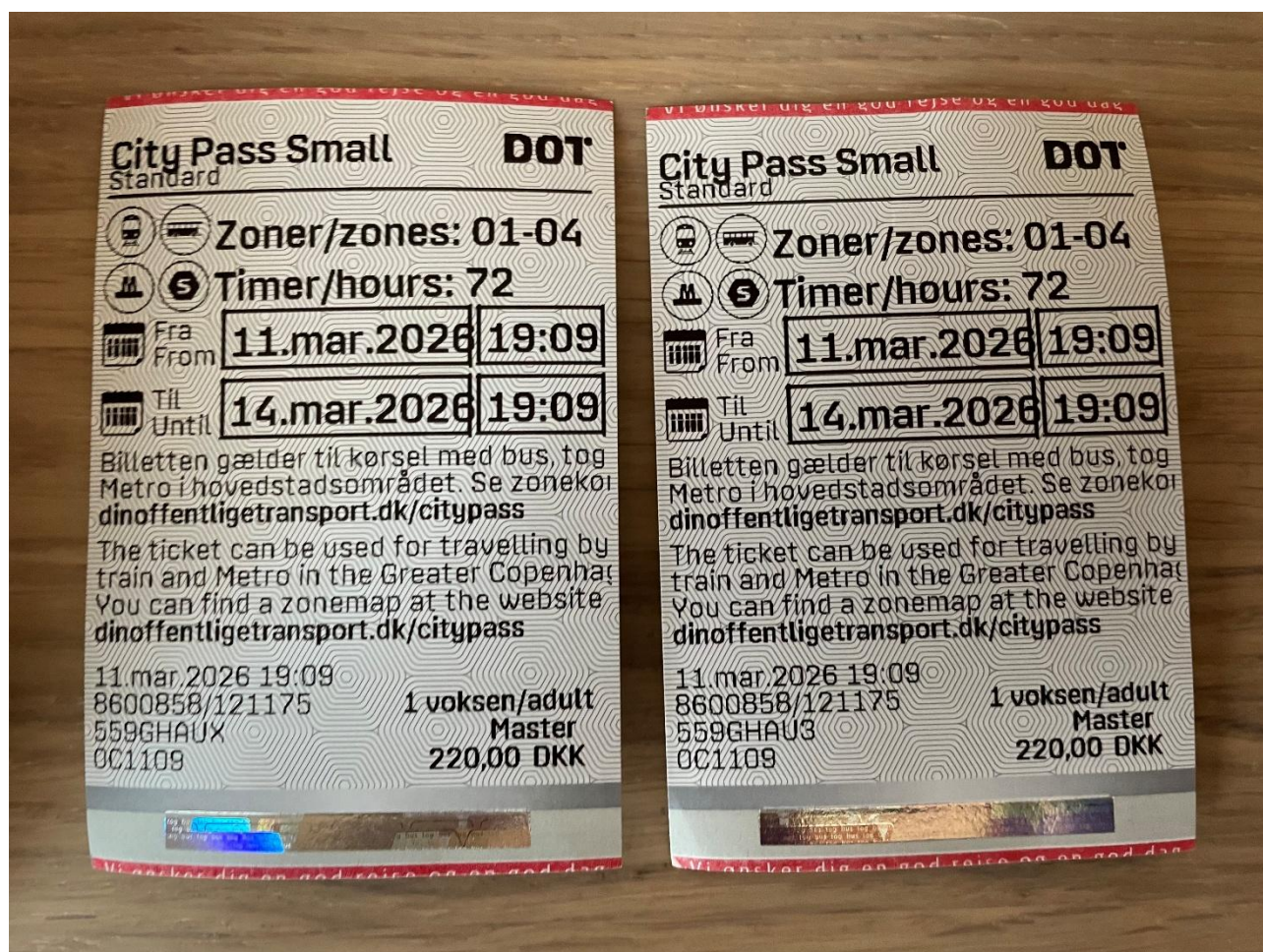
SAGENS OMSTÆNDIGHEDER:

Klageren og en medrejsende ankom til København den 11. marts 2026, hvor de i lufthavnen købte hver et fysisk 72-timers City Pass i en billetautomat. Billetterne blev købt samlet i én transaktion.

Den 14. marts 2026 kl. 08:18 blev klageren pålagt en kontrolafgift på 750 kr. i Metroen efter Kongens Nytorv station i retning mod Trianglen, fordi hun ved kontrol ikke kunne forevise gyldig rejsehjemmel.

Klageren oplyste, at hun og den medrejsende havde glemt deres fysiske City Pass på hotellet. På grund af regnvejr havde de valgt ikke at medbringe deres tasker, hvori billetterne og deres pas normalt blev opbevaret. Klageren kunne derfor ikke forevise den fysiske billet ved kontrollen, men viste kontrolløren dokumentation på sin telefon for købet af billetterne samt et billede af sit pas.

Efterfølgende har klageren indsendt kopi af City Pass-billetten samt dokumentation for betalingen heraf:





Customer Services: 0345 9444 555
halifax.co.uk/online

Halifax Credit Card

Visa number

Cardholder

Card Ending	Date of transaction	Date entered	Description	Amount £
			BALANCE FROM PREVIOUS STATEMENT	175.56
3271	04 MARCH	05 MARCH		
3271	05 MARCH	06 MARCH		
3271	06 MARCH	09 MARCH		
3271	06 MARCH	09 MARCH		
3271	11 MARCH	12 MARCH	DSB Kastrup AUT Kastrup DNK	51.10
			440.00 DKK @ 8.6106	
3271	11 MARCH	12 MARCH		
3271	11 MARCH	12 MARCH		
3271	11 MARCH	12 MARCH		
3271	12 MARCH	13 MARCH		

PARTERNES ARGUMENTER OVER FOR ANKENÆVNET:

Klageren anfører følgende:

“Further to our previous individual appeals, we wish to provide additional joint information in support of our appeals against the inspection fee ticket penalties issued Saturday 14 March 2026.

Our aim is to demonstrate there was no intent at any time during our joint trip to Copenhagen to try and avoid paying the correct fee for our travel. We each had a 3 day pass which covered the full duration of our trip and it was a simple error due to the poor weather on the Saturday morning that we travelled without them to the parkrun event at Trianglen.

We have provided additional supporting evidence to demonstrate the above.

Whilst we understand your comment in the response email sent to YY that you are obliged to treat all customers equally, we were advised by the ticket inspector who could see by our distress that this was a genuine oversight, to appeal the penalty by evidencing the purchase of valid tickets for the duration of our stay. It was clear he understood this was a genuine error and we hope you are able to demonstrate the same level of compassion as he did.

Penalising us when we did buy tickets on arrival for the full duration of our stay and when we can provide detailed evidence to support this does not create an equal outcome to a customer deliberately intent on avoiding paying the correct fare by not purchasing a ticket.

If someone was intentionally avoiding paying the fare, we doubt they could provide the evidence we are providing with our appeal. Particularly the purchase of two tickets at the same point in time and in accordance with our flight arrival time in Copenhagen.

YY and I (XX) travelled together to Copenhagen on Wednesday 11 March, staying for 3 nights. The purpose of our trip was to visit the city and attend the Hyrox event at the Bella Center. On Wednesday 11 March, our original flight to Copenhagen was cancelled at the gate and we were rerouted via Oslo.

This is relevant as the attached email confirming the new flight arrival details align with the purchase time of our 3 day passes. Prior to our trip we both downloaded the ‘Rejeskort’ app so we could purchase tickets on arrival to travel to and around the city.

After landing in Copenhagen we walked through to the train terminal. A member of staff asked if we

needed any help and we asked him if it was possible to buy a 3 day passes on the App. He told us this wasn't possible and assisted us to purchase two 3 days passes (paper tickets) from the ticket machine. The tickets were purchased together in one transaction (see credit card and ticket details) and based on our delayed arrival - the 3 day tickets would cover the full duration of our stay.

It is important to note that had we been able to purchase these tickets on the 'Rejeskort App', we would have had the tickets on our phones at the time of the inspection. As we had to buy paper tickets, these were stored in my handbag with our passports in a waterproof case for safekeeping.

We carried these around for the duration of our trip with the exception of Saturday morning as we were travelling to the parkrun and did not want to carry our passports with us incase they got wet or got lost.

This was a complete oversight by us, but at this point we had not been requested to show the tickets at any point on the previous 3 days so we genuinely and completely unintentionally forgot to bring them with us.

We gave our passport details without delay to the inspectors (we had photographs of them on our phones fortunately) and we showed him proof of purchase of the tickets on the banking app. He told us we could appeal and genuinely appeared to recognise this was a genuine oversight by our actions.

We apologise for our error but genuinely feel the evidence included demonstrates there was no intent to not pay, just a genuine mistake by two tourists who travelled to parkrun with minimal accessories due to the rain."

Indklagede anfører bl.a. følgende:

"In cases where a valid travel document cannot be presented, an inspection fee must be accepted, which for an 'Adult' (16+ years old) travelling on the Metro amount to DKK 750. This basic rule is a pre-requisite for the self-service system that applies to travel by public transport in the Greater Copenhagen area.

These requirements are listed in the Joint National Travel Regulations, which can be read in full here: [Joint National Travel Regulations](#).

Inserted below are relevant excerpts:

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.

And

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

2.7.1. 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.

And from **Chapter 2.6**:

Only original single tickets and cards are accepted as valid travel documents. Copies and images of single tickets and cards (Print-Self tickets excepted) are therefore not accepted.

And

If a valid travel document cannot be presented upon request during inspection, it will not be possible to get a reduction or cancellation of an inspection fee by a subsequent presentation of travel documents, see section 2.7.5, however, concerning travel without a Commuter card.

In this case, complainant was issued an inspection fee on the 14th of March 2026 at 08:18 AM after departure from Kongens Nytorv station heading towards Trianglen station.

In her inquiry to Metro, complainant wrote that she had purchased 72-hour paper ticket but had forgotten it in her hotel room and was therefore unable to present it when met with ticketing. Consequently, our steward issued an inspection fee in accordance with applicable regulations as noted above.

Information boards can be found on all Metro stations, where the customer is informed that they must have a ticket ready for presentation when they travel.

A copy of the information board can be found attached and the relevant text can be found below:



Hav billetten klar

Have your ticket ready

Når du rejser med Metroen, skal du altid have gyldigt kort eller billet klar, inden du står på – du kan ikke købe billetter i metrotoget.

Når du køber billet til Metroen, er billettens gyldighedsperiode angivet på billetten. Du kan finde zonekortet på billetautomaterne på stationen, hvor du kan se, om din billet dækker zonerne på din rejse.

Hvis du rejser uden billet, vil du ved kontrol få en afgift. Metroens stewards kan tjekke din billet i toget samt på stationen, efter du har forladt toget.

På visse billetter og kort skal du betale et tillæg for at rejse med Metroen (f.eks. på Rejekort eller pendlerkort). Du er selv ansvarlig for, at du har købt den rigtige billet, der giver adgang til rejser med Metroen. Læs mere om billetter, tillæg til Metroen og kontrolafgift på www.m.dk.

When you travel by Metro, you must always have a valid card or ticket ready before you board the Metro – tickets are not sold on the Metro.

When you buy a ticket for the Metro, the validity of your Metro ticket will be indicated on the ticket. You can find the zone map on the ticket vending machine at the station. Here you can see whether your ticket covers the zones you need for your trip.

If you travel without a valid ticket, you will be charged an inspection fee. Metro stewards can check your ticket on the Metro and at the station after you exit the Metro.

For certain tickets and passes, you have to pay a supplement for travel by Metro (e.g. for a Rejekort or commuter card). You are responsible for making sure that you have purchased the correct ticket that provides access to travel on the Metro. Read more about tickets, the supplement for travel by Metro, and inspection fees at www.m.dk.

At all platforms doors on the stations, a sign is placed which informs passengers of the ticket requirement as well:



In this case, complainant was unable to present her paper ticket as she had left it at her hotel. In her complaint to the Appeal Board, complainant notes that our steward understood complainant's lack of a valid ticket was a genuine error. We do not contest that this was an oversight, and we further note that our steward acted correctly in accordance with our guidelines when he directed complainant and her fellow passenger to contact Customer Service for review of her case.

However, a ticket bought in a ticket vending machine is not personalized, and as such is only valid for the person who presents it at the time of ticketing. A non-personalized ticket can be used by anyone, regardless of who paid for it, and consequently we cannot accept subsequent presentation of these nor can we accept presentation of a bank statement.

We fully understand that it is a very unfortunate situation for the complainant, 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 intentionally or not, nor whether it is the first time the customer has received an inspection fee. We only consider that it is the passenger's responsibility - before boarding - to be in possession of a valid ticket or travel document.

We must also note that this is an area with great potential for circumventing the passengers' obligation to pay for their journey, if it is accepted that a non-personalized ticket can be accepted for subsequent presentation.

Based on the above, we maintain that complainant did not show a valid ticket when met with inspection and due to this we consider the inspection fee to have been correctly issued and subsequently correctly maintained during case processing at customer service.

Consequently, we uphold our claim of DKK 750, - and we further refer to similar cases, for example 2022 – 0252 and 2022 – 0075 which were decided in favour of the traffic company. “

Til dette har klageren bl.a. anført:

“The comments sent to us with this email suggest that it would be "possible for someone to circumvent their obligation to pay for a ticket if it is accepted that a non personalized ticket can be accepted for subsequent presentation". In this case it would be extremely difficult for two non resident people to find tickets purchased by someone else, that were purchased at the same time together and at the airport AND that meet the exact timeframe that we spent in the country.

This wasn't a single journey ticket where I recognise this might be easy to do, these were 3 day passes purchased at the airport with proof of purchase showing the correct date of purchase and cost . The balance of probability based on this supporting evidence we have shared surely proves we purchased 3 day tickets and that these were for our own use?

We ask the Appeal Board to take these points into consideration.

Our only mistake and it was a HONEST mistake was to leave the tickets at the hotel on the Saturday morning when we travelled to the parkrun event. Throughout the rest of our stay we had our handbags with us and our travel passes were in our handbags with our passports.

We didn't experience a ticket inspection at any point before the Saturday morning and because of the poor weather that morning (rain) and not knowing if there was anywhere safe to leave bags during the parkrun we travelled with just our phones to the parkrun.

This was a genuine and honest error on our part and we apologised at the time and we do so again now. The ticket inspector recognised we had made a genuine mistake and I was able to show him the purchase details and passport details from our phones. We understand why it was appropriate to issue the penalty on the train, but he was the one who told us to appeal the ticket and show evidence of our purchase. His suggestion was this would be easily sorted out. We had hoped this would have been resolved far earlier than now, however we have paid the Complaint fee as we would like the facts to be taken into account and the penalty charges to be waived. We were not fare dodgers as I expect many of the people you issue penalties to are. “

Til dette har indklagede anført:

“As previously noted, we understand that this is an unfortunate situation for the complainant, but the requirement to present a valid travel document throughout any journey on public transportation in the Greater Copenhagen area applies to everyone. This applies regardless of which type of travel documents a passenger has purchased, whether the passenger is used to travel in Denmark or not, and whether the passenger has encountered ticketing on previous trip or not. None of these factors may exempt one from the responsibility of having a valid ticket before boarding. Passengers are expected to familiarize themselves with the rules and guidelines that apply for travel and ask for assistance if they have any questions.

While we sincerely understand that this is an unfortunate oversight, we do not find that Metro is responsible for complainant's situation.

The additional information provided by complainant does not lead us to change our decision concerning the inspection fee, and we maintain our claim for payment of 750 DKK."

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Ankenævnet lægger til grund, at klageren ved kontrollen i Metroen den 14. marts 2026 ikke kunne forevise gyldig rejsehjemmel, idet hun havde glemt sit fysiske City Pass på hotellet.

Kontrolafgiften til klageren blev herefter pålagt med rette.

Den omstændighed, at klageren efterfølgende har fremlagt kopi af et 72-timers City Pass og dokumentation for købet heraf, kan ikke føre til et andet resultat. Ankenævnet har herved lagt vægt på, at et fysisk City Pass ikke er personligt, og at efterfølgende forevisning derfor ikke kan godtages som dokumentation for, at netop den pågældende passager var i besiddelse af billetten på kontroltidspunktet.

Ankenævnet finder herefter, at der ikke foreligger sådanne særlige omstændigheder, at Metro Service skal frafalde kontrolafgiften.

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 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 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