

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer: 26-0259

Klageren: XX
Frankrig

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 forud for sin rejse havde oplevet problemer med at få DSB-appen til at fungere, og at han derfor i god tro steg på bussen for at få vejledning fra kontrolløren

Indklagede fastholder kontrolafgiften

Ankenævnets sammensætning: Nævnensformand, dommer Lone Bach Nielsen
Andreas Sabroe
Dorthe Thorup
Helle Berg Johansen
Dorte Lundqvist Bang

Ankenævnet for Bus, Tog og Metro har på sit møde den 28. oktober 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 21. april 2026 med bus 2A uden at kunne forevise gyldig billet og blev pålagt en kontrolafgift på 1.000 kr. Klageren har anført, at han forud for påstigningen i ca. 20 minutter forsøgte at købe billet via DSB-appen, men at appen viste en hvid skærm.

Han gjorde gældende, at han derfor steg på bussen i god tro for at få vejledning fra kontrolløren.

Movia har fastholdt kontrolafgiften og har oplyst, at der ikke kunne konstateres billetkøb eller aktivitet i DSB-appen, ligesom DSB har oplyst, at der ikke var systemfejl i appen den pågældende dag.

PARTERNES ARGUMENTER OVER FOR ANKENÆVNET:

Klageren anfører følgende:

"I hereby submit this formal appeal against the decision by Movia to uphold inspection fee no. XXXXXXXX. I contest this fee not as a refusal to comply with transport regulations, but as a matter of justice, civic integrity, and technical failure.

1. Technical Impediment & Digital Liability

I state upon my honor and with the highest sense of sincerity that the DSB application was non-functional on my device for 20 minutes prior to boarding. Despite being logged into my account, the app displayed a persistent error (white screen). Movia's claim that "no system-wide error" occurred does not account for individual device-side communication failures. I maintain that I made every possible effort to purchase a ticket; the failure lies entirely with the digital sales infrastructure.

2. Professional Context & Evidence of Good Faith

I am currently in Denmark as a [...], volunteering for the reconstruction of the Børsen (The Old Stock Exchange) in direct collaboration with the Royal Danish Academy. My presence in this country is dedicated to the preservation of Danish heritage.

To demonstrate the legitimacy of my presence and my professional commitment, you may refer to the official event hosted by the Royal Danish Academy regarding this project: <https://kglakad-emi.dk/da/event/fejring-af-historisk-traekonstruktion-i-fuld-skala>. I am here to contribute to a national cause, and it is inconsistent with my character to intentionally evade a bus fare.

3. Breach of Procedure and Social Trust (Tillid)

Upon boarding, I proactively approached the inspector to report the technical issue. I acted in total good faith. However, the inspector requested my identity card without clearly informing me that an inspection fee was being issued. My cooperation was met with a lack of transparency. Using a passenger's proactive honesty to silently process a fine is an affront to the dignity of a visitor acting in good faith and a breach of the duty of information.

Conclusion

I refuse to pay this fee to protect my integrity against an unjust penalty.

I request that the Board prioritizes human testimony and documented good faith over an incomplete digital record.

I am prepared to pay the 160 DKK case handling fee to ensure that this case is reviewed with the ethical scrutiny it deserves.

I am requesting the full annulment of the inspection fee no. 26029164. Additionally, I request a refund of the 160 DKK case handling fee upon a favorable decision, as the fine was issued due to a failure in the transport company's digital payment infrastructure and a lack of procedural transparency by the inspector."

Indklagede anfører bl.a. følgende:

"Movia hereby responds to the complaint regarding the inspection fee XXXXXX issued on the bus 2A on 21.04.2026 to the complainant.

Movia considers the inspection fee to be correctly issued, as the complainant was unable to present a valid ticket when inspected on board.

On the day in question, the complainant boarded the bus without a valid ticket or completed check-in.

The inspection fee was issued on the basis of "no ticket presented" at the time of inspection.

Inspection fee

On the day in question, the inspector boarded bus 2A at Stormbroen, Nationalmuseet at 08:11:54. According to the inspector, complainant did not present anything during the inspection.

Årsag	Ingen billet fremvist
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As the complainant did not present any valid ticket, an inspection fee was issued at 08:15:26.

Stop	Stormbroen, Nationalmuseet
Påstigning	21-04-2026 08:11:54
Udstedt dato/tid	21-04-2026 08:15:26
Stået af	21-04-2026 08:18:22

Complainant: " I contest this fine based on a persistent technical failure of the official DSB application at the time of travel. Before boarding the bus, first time for me in Copenhagen. I attempted to purchase a ticket via the app for approximately 20 minutes. "

DSB has informed Movia that there is no record of the complainant attempting to purchase a ticket via the DSB app on the day in question. Furthermore, there is no recorded activity in the application linked to the complainant, and no ticket purchases can be identified at all.

DSB has also confirmed that there were no system errors affecting the DSB app on 21.04.2026. On this basis, no technical issues or attempted transactions can be documented, and no ticket purchases by the complainant can be verified.

Information from DSB

Kunden har ikke forsøgt at købe billet i DSB appen den dag, der er heller ingen aktivitet på DSB appen – jeg kan ikke se at kunden har nogle billetkøb i DSB appen overhovedet.

Der var ingen systemfejl på DSB appen den 21.04.2026.

Problems with digital check-in or ticketing solutions may arise for several reasons outside Movia's control. This may include, but is not limited to, poor mobile network connection, lack of updates to the ticketing application, issues with payment cards, problems with MobilePay, deactivated location services, outdated software or operating systems, insufficient GPS signal, or similar technical limitations.

Regardless of any such technical issues or challenges, it remains the customer's responsibility to ensure that valid check-in or ticket purchase has been successfully completed prior to boarding the bus. This includes verifying on the mobile device that the transaction has gone through before entering the vehicle. As a passenger, you are required to resolve any technical or practical issues outside the bus and ensure that valid travel authorization is in place before boarding.

Guidance at the bus stop

It is noted that guidance is available at the bus stop on how to purchase a standard mobile ticket. This guidance is specifically intended for situations where customers may be unfamiliar with how to obtain a valid ticket before boarding.

The information is also available in English, ensuring that international passengers are able to understand how to purchase the correct ticket.

The image below shows the signage at the bus stop from which the complainant travelled on the relevant day at Stormbroen.



No assistance sought from driver

Furthermore, it is noted that the complainant did not approach the bus driver for assistance prior to boarding the bus. On this basis, Movia does not find that the complainant made reasonable efforts to obtain a valid ticket before entering the vehicle.

Passengers are expected to take the necessary steps to ensure valid travel authorization before boarding. As a last resort, if a customer is uncertain about how to obtain a ticket, they may seek guidance directly from the driver before boarding.

Based on the available information, there is no indication that the complainant made use of this option at any point prior to boarding the bus.

Movia's conclusion

As the complainant did not present any valid ticket, an inspection fee was issued.

DSB has informed Movia that there is no record of any attempted ticket purchase or app activity linked to the complainant on the day in question, and no ticket transactions can be identified.

DSB has further confirmed that no system errors occurred in the DSB app on that date, and therefore no

technical issues or failed transactions can be verified.

Problems with digital check-in or ticketing solutions may arise for several reasons outside Movia's control. Regardless of any such technical issues or challenges, it remains the customer's responsibility to ensure that valid check-in or ticket purchase has been successfully completed prior to boarding the bus.

There are multiple ways to obtain a ticket. At the bus stop, instructions are available in English for SMS tickets. In addition, passengers may use the Rejsebillet app, the Rejekort app, physical travel cards, cash payment to the driver, or other approved ticketing solutions. If one method does not work, passengers are expected to use an alternative option."

Til dette har klageren anført:

"Thank you for forwarding the transport company's reply and for your guidance regarding the typical outcome of similar cases.

I have read the elements carefully, and my position remains absolutely unchanged. I choose to proceed with the appeal.

Please consider the following statements as my official comments for the Board's final review:

Integrity over Statistics: I understand that past administrative and digital precedents often favor the transport companies. However, a system based purely on automated logs fails to capture individual technical anomalies and, above all, human honesty. My absolute integrity and loyalty to the truth cannot be quantified by an algorithm.

The Principle of Truth: I maintain, upon my honor, that I acted in total good faith and that the digital interface failed me, not the other way around.

To accept this fine would be to acknowledge a fault I did not commit. My conscience and my honor as a citizen and a professional working for Danish heritage are worth far more than the financial cost of this penalty or the complaint fee.

Refusal of an Unjust Precedent: I will not comply with an administrative decision that punishes proactive honesty. I am fully prepared to accept the financial risk of losing the 160 DKK complaint fee, as this is a matter of pure principle.

Please proceed with the submission of my case file to the members of the Appeal Board. I wish for a formal ruling to be made on this matter, and I will keep a full record of this entire procedure as a testament to my complete good faith."

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Ankenævnet lægger til grund, at klageren ikke kunne fremvise en gyldig billet ved kontrollen.

Det følger af de fælles landsdækkende rejseregler, at det er passagerens ansvar at sikre sig gyldig rejsehjemmel inden påstigning. Hvis der opstår problemer med den valgte billetløsning, må passageren benytte en anden mulighed for at købe billet eller på anden måde sikre sig gyldig rejsehjemmel inden rejsens påbegyndelse.

Herefter blev kontrolafgiften til klageren pålagt med rette.

Klagerens oplysninger om, at han forud for påstigningen forsøgte at købe billet via DSB-appen, men at appen ikke fungerede på hans telefon, kan ikke føre til et andet resultat. Ankenævnet bemærker i den forbindelse, at DSB har oplyst, at der ikke var konstateret driftsforstyrrelser i appen den pågældende dag, og at der ikke kunne konstateres nogen billetbestilling eller aktivitet knyttet til klageren.

Da det endvidere ikke er en betingelse for at pålægge en kontrolafgift, at passageren bevidst har søgt at omgå rejsereglerne, finder ankenævnet, at der ikke har foreligget sådanne særlige omstændigheder, at kontrolafgiften skal frafaldes.

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 trafiksselskaberne – som monopolliggende virksomheder – selv fastsætter kontrolafgiftens størrelse. Dette giver selskaberne mulighed for at indføre kontrolafgifter, som ville være forretningsskadelige, 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 trafiksselskaber § 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 Rejekort 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 rejsebegrænsninger 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
Nævnshoved