

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer: 26-0342

Klageren: XX
Frankrig

Indklagede: Movia
CVR-nummer: 29 89 65 69

Klagen vedrører: Kontrolafgift på 1.000 kr. grundet rejse uden for zoner på pendlerkort

Parternes krav: Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at han var af den opfattelse, at hans pendlerkort dækkede hele rejsen

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:

Klagen angår en kontrolafgift på 1.000 kr., som klageren blev pålagt den 28. maj 2026 i buslinje 250S ved Sundbyvester Plads i zone 03, fordi hans pendlerkort ikke var gyldigt i zone 3, hvor kontrollen fandt sted. Klagerens pendlerkort var gyldigt i zone 01, 02, 30 og 40.

Klageren har gjort gældende, at han var af den opfattelse, at pendlerkortet dækkede hele rejsen, og at der var tale om en ærlig fejl vedrørende én manglende zone. Han har endvidere anført, at han som Erasmus-studerende ikke var fortrolig med det danske zonesystem, og at han havde betalt for næsten hele rejsen.

Movia har fastholdt kontrolafgiften med henvisning til, at pendlerkortet ikke dækkede zone 03, og at det efter selvbetjeningsprincippet er passagerens ansvar at have gyldig rejsehjemmel til hele rejsen.

PARTERNES ARGUMENTER OVER FOR ANKENÆVNEN:

Klageren anfører følgende:

"I respectfully ask the Appeal Board to review my case independently because I sincerely believe that the decision made by Movia is unfair and disproportionate considering the circumstances.

Before boarding the bus, I purchased a valid Commuter Pass through the official application because I wanted to travel legally and pay for my journey. I never intended to travel without paying or avoid the fare.

The issue was not that I travelled without a ticket. I had already paid for public transport. My Commuter Pass covered almost my entire journey. The only problem was that it did not include the final part of the trip due to one additional zone. In practice, this represented only one stop beyond the validity of my pass before reaching the area where my pass was valid again.

As an Erasmus student living in Denmark for only a few months, I was unfamiliar with the Danish zone system. I relied on the official application when purchasing my Commuter Pass and genuinely believed that it covered my journey correctly. Had I realised that I needed an extension ticket for this small part of the journey, I would have bought it immediately.

The unpaid part of my journey was therefore extremely limited. I had already paid for almost the entire trip, and the missing fare concerned only a very small section. I fully accept that I made a mistake, but I respectfully believe that the penalty of 1,000 DKK is disproportionate considering the circumstances.

I would also like to mention another point that I genuinely find difficult to understand. My girlfriend travelled without any valid ticket and received a penalty fare from DSB. After reviewing her explanation, DSB decided to cancel her penalty fare as a one-time gesture of goodwill. In my case, I had already purchased and paid for a valid Commuter Pass before travelling, yet Movia refused to show any flexibility despite the fact that my mistake concerned only a very small part of the journey.

I understand that DSB and Movia are different transport companies and may have different internal policies. However, I respectfully ask the Appeal Board to consider whether the outcome in my case is fair and proportionate. I acted honestly, cooperated fully with the inspector, immediately presented my Commuter Pass and never intended to evade payment.

I respectfully request that the penalty fare be cancelled because I acted in good faith and had already paid for my journey before boarding the bus. My mistake was unintentional and concerned only a very small part of the journey.

I did not travel without paying. I had already purchased a valid Commuter Pass and, had I realised that one additional zone was required, I would have bought the extension ticket immediately.

If the Appeal Board considers that cancelling the penalty is not possible, I respectfully ask that it be reduced to an amount that is fair and proportionate to the actual missing fare. I believe this would better reflect the circumstances of my case, my good faith, and the fact that I never intended to avoid paying for public transport."

Indklagede anfører bl.a. følgende:

"Movia hereby responds to the complaint regarding inspection fee 26045324 issued on bus 250S on 28.05.2026.

Movia maintains that the inspection fee is rightly imposed, and we do so on the grounds that the complainant did not present a valid ticket on the inspectors' inquiry on the bus.

On the day in question, the inspector boarded the bus in zone 3 and observed that the complainant was already on board. During the ticket inspection, the complainant presented a commuter pass which did not include valid coverage for the zone in which the journey took place. For this reason, the inspection fee is maintained.

According to the travel regulations § 2.4.1, commuter cards must be valid for *all* the zones that the journey passes through.

In this case, the complainant's commuter card was valid for zone 1, 2, 30 and 40, but not zone 3 in which the inspection took place. Therefore, the conditions set out in section 2.4.1 were not fulfilled.

Inspection fee

On the day in question, the inspector boarded the bus at Sundbyvester Plads in zone 3 at 15:43:51.

When the ticket inspector checked the complainant's ticket, the complainant presented a commuter pass that did not include zone 3. The complainant's commuter pass was only valid in zones 1, 2, 30, and 40, but not in zone 3, where the ticket inspection took place.

According to the bus's trip overview, the fee was issued while the bus was still stopped at the Sundbyvester Plads stop in zone 3 between 15:43:51 and 15:47:45.



#	Stoppested	Stopindikator	Pl. ank.	Pl. afg.	Obs. ank.	Obs. afg.
16	Tårnby St. (852)	● ●	15:32	15:32	15:31:00	15:32:17
17	Irlandsvej (1017)	● ●	15:34	15:34	15:34:44	15:34:44
18	Korsvejens Skole (792)	● ●	15:36	15:36	15:37:16	15:37:43
19	Sundbyvester Plads (3000)	● ●	15:41	15:41	15:43:51	15:47:45
20	Øresundsvej (664)	● ●	15:45	15:45	15:50:35	15:50:44
21	Amagerbro St. (27526)	● ●	15:48	15:48	15:52:28	15:52:50
22	Ørestads Boulevard (806)	● ●	15:51	15:51	16:15:00	16:15:22
23	Via (25403)	● ●	15:55	15:55		
24	Hovedbanegården, Tivoli (10844)	● ●	15:58	15:58	16:21:02	16:22:21

An inspection fee was therefore correctly issued at 15:47:07.

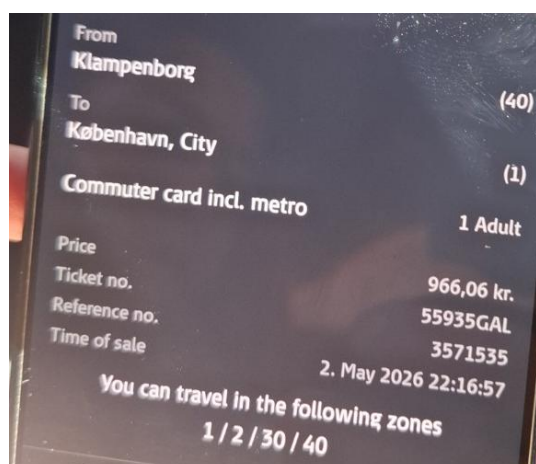
Stop	Sundbyvester Plads
Påstigning	28-05-2026 15:43:51
Udstedt dato/tid	28-05-2026 15:47:07
Stået af	28-05-2026 15:47:44

Årsag	Pendlerkort mangler zone
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Comments and decision

The image below was taken from the bus and shows the complainant presenting his commuter card. The valid zones purchased in advance are visible at the bottom of the card, namely 1, 2, 30 and 40.

The card covered his journeys between Copenhagen City and Klampenborg.



Below is the timetable and route overview for bus 250S from Dragør towards central Copenhagen. The timetable shows that, prior to the inspector's boarding, the bus had been operating in zone 4 with several stops, and that Sundbyvester Plads, where the inspection fee was issued, is located in zone 3.

250S Dragør Stationsplads - Bagsværd S

Rute	Zone	Stoppesteder
Dragør Stationsplads Vestgrønningen Søndre Strandvej Krudttårnsvej	4	Dragør Stationsplads Dragør Skole Idrætsstien Vierdige Hollændervænget Søndre Røsevej Mågevænget Store Magleby Strandvej Fasanvænget Store Magleby
Møllevej Englandsvej		Tømmerup Ingstrup Allé Brønderslev Allé Løjtegårdsvej Tårnby St. Irlandsvej Korsvejens Skole
Tårnbyvej Amager Landevej Amagerbrogade		Øresundsvej Amagerbro St. Ørestads Boulevard Hovedbanegården, Tivoli
Amager Boulevard Bernstorffsgade	1	

Excerpt from the complainant's objection:

Complainant: "I have been using public transport every day in Copenhagen for the past 2 months and I always pay for a monthly commuter card. I have never had any problems before. My subscription already includes zones 1, 2, 30 and 40, and this was an honest mistake regarding one missing zone. I did not try to travel without paying."

Movia cannot comment on any previous ticket inspections during which the complainant may have travelled using the same commuter pass in the same zones. The relevant fact in this case is that, on the day of the inspection, the complainant's commuter pass was not valid in zone 3, where the ticket inspection took place.

Furthermore, the issuing of an inspection fee is not conditional upon whether a passenger intentionally sought to avoid paying the correct fare. Rather, a fee is imposed on the objective basis that the passenger was travelling without a valid ticket or pass covering the zone(s) travelled in.

This follows from the self-service principle governing public transport in the Greater Copenhagen area. Under this system, passengers are responsible for ensuring that they hold a valid ticket or pass for the entire journey before boarding. If, upon inspection, a passenger is unable to present valid travel authority, an inspection fee must be issued, regardless of whether the lack of valid travel authority was due to an oversight or an honest mistake.

If a passenger begins their journey in a zone not covered by their commuter card, it is important that a supplementary ticket is purchased before boarding the bus. If the ticket is purchased after boarding, it does not constitute valid travel authority.

Movia refers to the Joint National Travel Regulations § 2.4, where it says that the Danish Travel System is based on self-service exclusively. That means that a customer is responsible for carrying a valid ticket and the customer can present it during the whole journey.

Movias conclusion

The inspector boarded the bus at Sundbyvester Plads in zone 3, where the complainant was already on board.

During the ticket inspection, the complainant presented a commuter pass that was valid only in zones 1, 2, 30, and 40 and therefore did not cover zone 3, where the inspection took place.

The inspection fee was issued at 15:47:07 while the bus was still stationary at the Sundbyvester Plads stop in

zone 3.

Under the self-service principle applicable to public transport, passengers are responsible for holding valid travel authority for the entire journey. Where, upon inspection, a passenger is unable to present valid travel authority, an inspection fee must be issued, irrespective of whether the lack of valid travel authority was the result of an oversight or an honest mistake.

Consistent enforcement of these rules ensures predictability and equal treatment of all passengers.

On this basis, the inspection fee is upheld.”

Til dette har klageren gjort gældende:

”I understand the rules regarding zone coverage and the self-service principle. However, I would like to maintain my appeal and ask the Appeal Board to consider the specific circumstances of my case.

I have always paid for public transport during my stay in Copenhagen. I purchased a monthly commuter pass and used it every day for almost two months. This was my first and only mistake, involving one missing zone. I did not intentionally travel without paying, nor was I trying to avoid the correct fare.

As an international Erasmus student living in Denmark temporarily, I made an honest error regarding the zone system, which I found more complex than the systems I am used to. I fully accept responsibility for my mistake, but I respectfully ask the Board to consider my good faith, my consistent payment for public transport throughout my stay, and the fact that this was an isolated incident.

I understand that the regulations are important, but I hope the Board may also take into account the principles of fairness and proportionality when assessing my case.”

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Ankenævnet lægger efter sagens oplysninger til grund, at kontrolløren steg på bussen ved Sundbyvester Plads i zone 03, hvor klageren allerede befandt sig i bussen. Klageren fremviste et pendlerkort, der var gyldigt i zone 01, 02, 30 og 40, men ikke i zone 03.

Ankenævnet finder på denne baggrund, at klageren på kontroltidspunktet ikke var i besiddelse af gyldig rejsehjemmel.

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 omgå rejsereglerne, finder ankenævnet, at der ikke har foreligget sådanne særlige omstændigheder, at kontrolafgiften skal frafaldes.

Det forhold, at klageren havde købt et pendlerkort, som dækkede en del af rejsen, kan ikke føre til et andet resultat.

Forbrugerrådets repræsentanter udtaler:

”Forbrugerrepræsentanterne påpeger, at det er problematisk, at 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 og svært at gennemskue for mange brugere. Forbrugerrepræsentanterne opfordrer i den forbindelse til, at selskaberne udviser større konduite over for turister, der skal navigere i dette system”

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 trafikelskaberne – som monopolliggende virksomheder – selv fastsætter kontrolafgifternes 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 trafikelskaber § 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 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
Nævnensformand