

## AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

<b>Journalnummer:</b>	24-0261
<b>Klageren:</b>	XX England
<b>Indklagede:</b> <b>CVR-nummer:</b>	Metroselskabet I/S v/Metro Service A/S 21 26 38 34
<b>Klagen vedrører:</b>	Kontrolafgift på 750 kr. grundet rejse på Eurovisionsbillet, der ikke var gyldig rejsehjemmel i Metroen
<b>Parternes krav:</b>	Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at han tidligere har rejst på almindelige Øresundsbilletter fra Skånetrafiken, der er gyldige til rejse med bus og Metro i København, og der stod intet sted på hans Eurovisionsbillet, at den kun var gyldig til Øresundstoget  Indklagede fastholder kontrolafgiften
<b>Ankenævnets sammensætning:</b>	Nævnensformand, dommer Lone Bach Nielsen Rolf Høymann Olsen (2 stemmer) Helle Berg Johansen Dorte Lundqvist Bang

Ankenævnet for Bus, Tog og Metro har på sit møde den 4. december 2024 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.

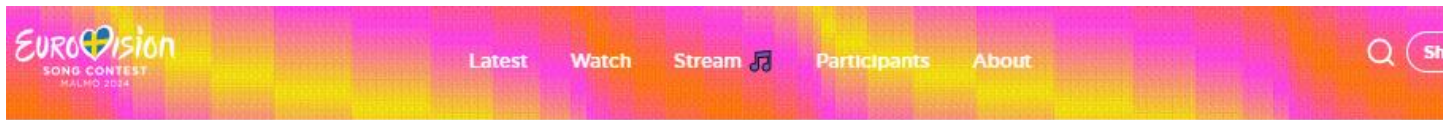
Da klageren ikke har fået medhold i klagen, tilbagebetales klagegebyret ikke, jf. ankenævnets vedtægter § 24, stk. 2, modsætningsvist.

- oOo -

Hver af parterne kan anlægge sag ved domstolene om de forhold, som klagen har vedrørt.



Informationen fra Eurovisions hjemmeside:



## Special offers for Eurovision week

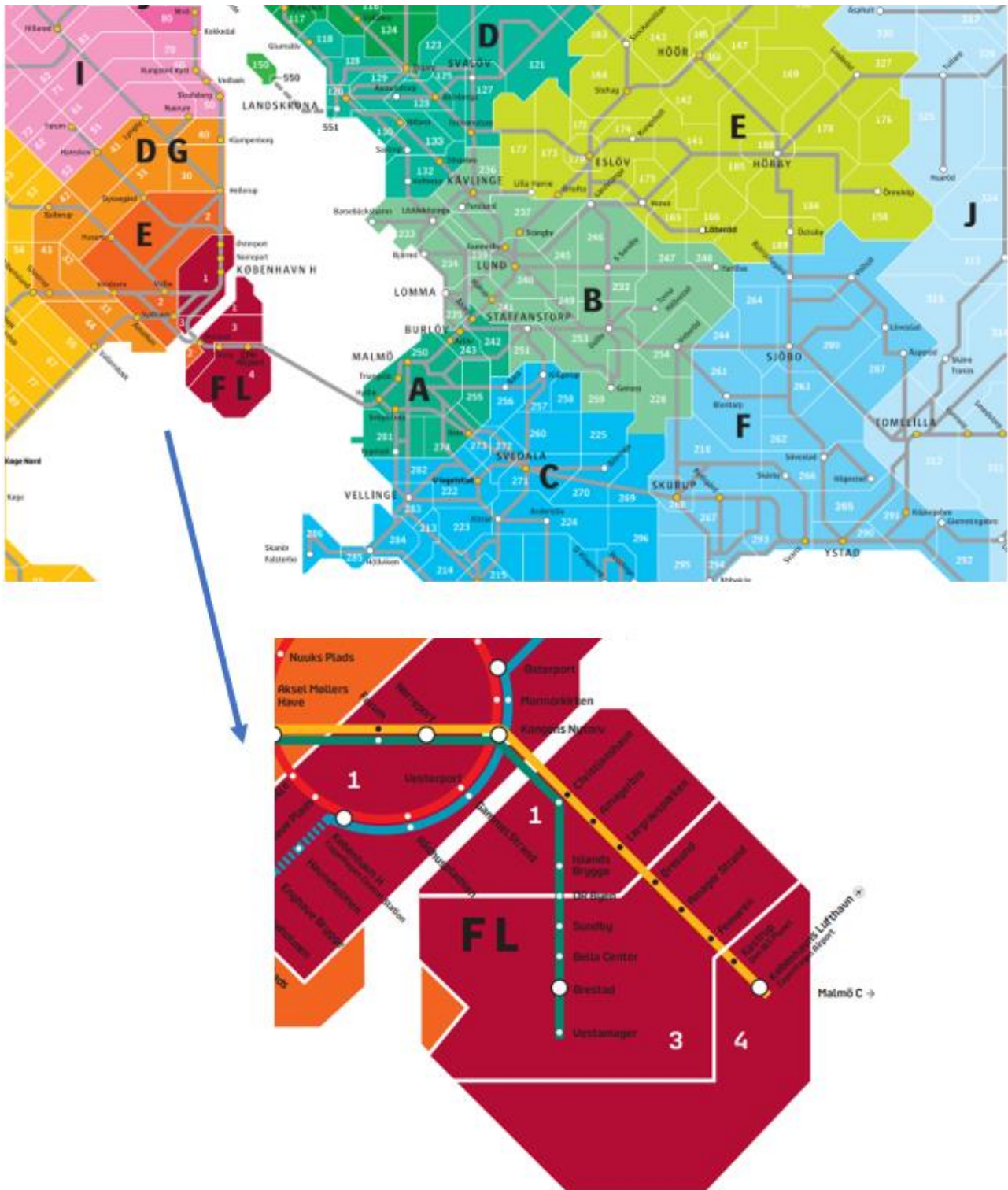
Skånetrafiken are offering two different types of tickets that give you unlimited travel for Eurovision week. Both tickets are valid for 8 days, between Sunday 5 May and Sunday 11 May inclusive.



- **Eurovision Skåne:** Unlimited travel by bus and train within Skåne (the wider region that Malmö is located in). Priced at SEK 350 (around €30).
- **Eurovision Skåne/Copenhagen:** Unlimited travel to and from Copenhagen via the Øresund bridge train, as well as by bus and train within the whole of Skåne. Priced at SEK 700 (around €60).

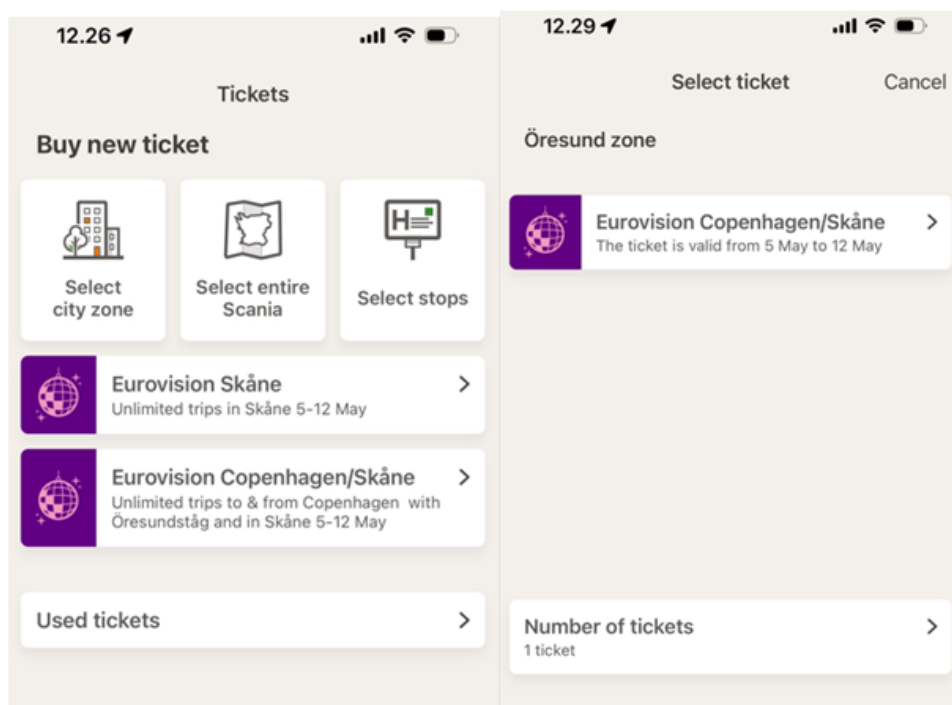
The tickets can be bought from [the Skånetrafiken app](#) between 15 April and 12 May, under the heading 'specialbiljetter' (special tickets).

Zonekort for dele af Sjælland og Skåne:





Fra Skånetrafiklens app, hvor der blev solgt de pågældende Eurovisionsbilletter:



Da klagerens billet ikke var gyldig rejsehjemmel i Metroen, blev han pålagt en kontrolafgift på 750 kr.

Kontrolafgiften, som stewarden indtastede til Metro Service:

```
<FeeDate>2024-05-12T12:40:00.000000</FeeDate>
<Line>M3/M4</Line>
<StationFrom>Østerport</StationFrom>
<StationTo>Triangelen</StationTo>
<Adult>true</Adult>
<Child>false</Child>
<NumberOfBikes>0</NumberOfBikes>
<NumberOfDogs>0</NumberOfDogs>
<Cause>Ugyldig</Cause>
<UnequalZones>false</UnequalZones>
<PaidCash>false</PaidCash>
<Amount>750</Amount>
<Cancelled>false</Cancelled>
<ChangedComment/>
<PaymentReceivedByUser/>
<Note/>
<TicketType>Mobilbillet</TicketType>
<SerialNumber/>
<SingleUseTicketStartZone xmlns:xsi="http://www.w3.org/2001/XMLSchema-instance" xsi:nil="true" />
<SingleUseTicketNumberOfZones xmlns:xsi="http://www.w3.org/2001/XMLSchema-instance" xsi:nil="true" />
<RebateCardNumberOfValidations xmlns:xsi="http://www.w3.org/2001/XMLSchema-instance" xsi:nil="true" />
<RebateCardType/>
<RebateCardIsChild>false</RebateCardIsChild>
<PeriodCardZones/>
<PeriodCardType/>
<OtherText>Eurovisionsbillet fremvist, ugyldig i Metro, korrekt billetteringstidspunkt 12.40.</OtherText>
```

Klageren anmodede efterfølgende Metro Service om at annullere kontrolafgiften med den begrundelse, at han havde undersøgt på DSB's hjemmeside og andre rejsefora, at Øresund Zone billetter, der nævner zone F+L som gyldighedsområde, inkluderer bus- og metrojser i København. Da han så, at der stod F+L på hans Eurovisionsbillet, og da der tillige var et kort, der viste, at København var omfattet, var han sikker på, at billetten var gyldig til Metroen. Stewarden var ikke i stand til at forklare ham, hvorfor billetten ikke var gyldig. Hvis han havde vidst, at Eurovisionsbilletten ikke var gyldig til Metroen, ville han selvfølgelig have købt en billet i DOT-appen, som han gjorde til sin kæreste.

Klageren vedhæftede kærestens billet til 24 kr. samt den information, han havde undersøgt hos DSB og teksten fra hans billet om zonerne:

The image shows a screenshot of the DSB website on the left and a map of Copenhagen on the right. The website text is in Danish and explains the validity of the Øresund Zone (F+L) ticket. The map shows the city of Copenhagen with a red pin marking the location of CPH Airport Kastrup and Furulund station. Below the map, there is a table with the following information:

ØRESUND ZONE (F+L + ABCDEFGHIJ)	Eurovision Copenhagen/Skåne
	700 SEK



Metro Service fastholdt kontrolafgiften med den begrundelse, at informationen om Eurovisionsbillettens gyldighed med Øresundstog mellem Malmø og København havde været tilgængelig både i Skånetrafikens app og på Eurovisions hjemmeside samt på selve billettens forside med teksten ***unlimited trips to & from Copenhagen with Øresundstog and in Skåne 5-12 May.*** Derudover henviste de til, at informationen også var givet i købsflow'et lige inden kunden afsluttede købet.

Derefter indbragte klageren sagen for ankenævnet.

### ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

**3 medlemmer med i alt 3 stemmer Lone Bach Nielsen, Helle Berg Johansen og Dorte Lundqvist Bang, udtaler:**

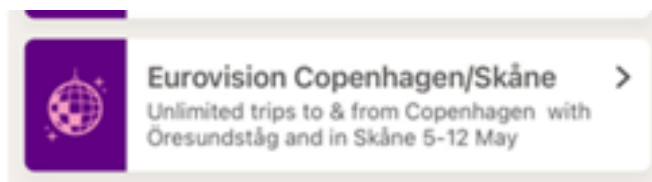
”Det fremgår af informationen på Eurovisions hjemmeside, at billetten var gyldig til ubegrænset rejse til og fra København med ”Öresund bridge train” og til rejser med bus og tog i hele Skåne, samt at billetten kunne købes i Skånetrafikens app under specialbilletter (special tickets):

- Eurovision Skåne/Copenhagen: Unlimited travel to and from Copenhagen via the Øresund bridge train, as well as by bus and train within the whole of Skåne. Priced at SEK 700 (around €60).

The tickets can be bought from the Skånetrafiken app between 15 April and 12 May, under the heading 'specialbiljetter' (special tickets).

Videre fremgik det i det indledende købsflow, når kunden skulle vælge billet i Skånetrafikens app, at den billet, som klageren endte med at købe, var gyldig til ubegrænsede rejser til og fra København med Øresundstog (vores understregning) og i Skåne:

Uddrag af appen:



Den samme tekst stod på selve billetten, som blev leveret til klagerens telefon, når man scrollede ned (den grønne overstregning indsat efterfølgende):



**Billetudsnit:**

Dette betyder, at kunden kan stige af og på Øresundstog på de seks stationer, som toget standser ved i de benævnte zoner FL i København.



Vi finder på baggrund af disse oplysninger, at billetten (begrænsede) anvendelsesområde i København fremgik med tilstrækkelig tydelighed, og at klageren derfor ikke med rette kunne antage, at han kunne anvende billetten til også at rejse med øvrige transportformer i København, som fx bus og Metro.

Vi bemærker, at det var oplyst, at der var tale om et særligt billetprodukt i anledning af Eurovision, idet billetterne skulle købes i Skånetrafikens app under overskriften "Special Tickets".

Vi bemærker videre, at det stod på Eurovisions hjemmeside, at billetten var gyldig til bus og tog i hele Skåne, hvilket påpeger over for kunden, at der er forskel på billetten anvendelsesområde i København, hvor dette ikke var nævnt, og i Skåne. Klageren kunne derfor ikke med rette antage, at billetten anvendelsesområde i København også gjaldt til andre transportformer end Øresundstoget, når disse ikke var eksemplificeret, som tilfældet var med anvendelsen i Skåne.

Skånetrafiken opererer Øresundstoget i Danmark, og det er på den baggrund, at de har kunnet udstede specielle eventbilletter, der gjaldt alene for deres ydelse, men ikke til andre trafikvirksomheder.

En Øresundsbillet er en enkeltbillet og er et andet produkt, end den 8-dagesbillet til et ubegrænset antal rejser over Øresund, som klageren købte, og som var udbudt i anledning af Eurovision i Malmø. Klageren kunne derfor ikke med rette sammenligne disse billettyper.

Herefter blev kontrolafgiften til klageren pålagt med rette.

Det af klageren anførte om, at han på DSB's hjemmeside læste om Øresundskort, kan ikke føre til et andet resultat, da det kræver tilkøb af metrotillæg for at Øresundskortet er gyldigt til rejse med Metroen.

Herefter og da det ikke er en betingelse for at udstede en kontrolafgift, at passageren bevidst har søgt at unddrage sig at betale for rejsen, finder vi, at der ikke har foreligget sådanne særlige omstændigheder, at kontrolafgiften skal frafaldes."

### **1 medlem med 2 stemmer, Rolf Høymann Olsen, udtaler:**

"Klageren er engelsksproget og undersøgte DSB's hjemmeside for information om rejse over Øresund med Øresundstog. Her læste han, at billetten, der dækker zone FL, inkluderer rejse med Metroen.

På selve Eurovisionsbilletten stod gyldighedsområdet nævnt som Øresund zone FL, som det fremgår af udsnit af billetten her:



Herefter og når det ikke blev anført udtrykkeligt på Eurovisionsbilletten (gengivet i rød klamme), at billetten kun var gyldig i Øresundstog i zonerne FL, finder jeg, at Metro Service efter en samlet bedømmelse af sagens omstændigheder skal frafalde kontrolafgiften mod klagerens betaling af metrorejsen, som Metro Service ikke har fået betaling for via Eurovisionsbilletten.”

Der træffes afgørelse efter stemmeflertallet.

## 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.

## PARTERNES ARGUMENTER OVER FOR ANKENÆVNET:

### Klageren anfører følgende:

"I wish to raise a complaint against Metroselskabet I/S [The Copenhagen Metro] as I believe that I have been wrongly accused of "fare evasion" as I was issued a fare evasion ticket while travelling with what, to any reasonable person, appeared to be, and that I have been unable to have proven otherwise, a valid ticket for the zone I was travelling within, issued by an authorised ticketing partner of the Copenhagen Metro.

Having arrived in Copenhagen from Sweden, my girlfriend and I were using the Metro to finish our journey to Trianglen.

My girlfriend didn't have a ticket for the journey on the Metro, and so I purchased one for her (on the DOT app) before we entered the Metro. I was in possession of a Skånetrafiken Eurovision Copenhagen/Skåne ticket which was still in its period of validity and stated it's area of validity as "ÖRESUND ZONE (FL + ABCDEFGHIJ)".

Having previously travelled on a normal/non-promotional Öresund zone Ticket bought through the Skånetrafiken app, I understood that they [Skånetrafiken] are able to sell tickets that include travel on the Copenhagen Metro and Buses. However, as any reasonable person would, I wanted to double check to confirm that this was still the case for this promotional "Eurovision" ticket. The steps I took to verify this before travelling were as follows:

Firstly, the ticket itself within the Skånetrafiken app [Image 1] states that the ticket "Eurovision Copenhagen/Skåne" was valid within the "ÖRESUND ZONE (FL + ABCDEFGHIJ)". To understand what was meant by these zones I Googled something along the lines of "Oresund zone train ticket Copenhagen Metro validity". I was presented with a webpage [Image 2 - <https://www.dsb.dk/kundeservice/sporgsmal-og-svar/i-hvilke-omrader-kan-jeg-kore-pa-min-oresundsbillet-eller-mit-oresundskort/>] from DSB (part of the Dan Offentlige Transport) which (in Danish) told me that "on my Øresund ticket ... you can travel by bus, train or metro in the Danish area (F+L) ... before you board or after you board of the Øresund train."

This was backed up by the page on the Oresundståg website [Image 3 - [https://www.oresundstag.se/en/travel-information/buy-ticket/#:~:text=Travel-ing%20within%20City%20Zone&text=When%20traveling%20with%20Öresundståg%20to,59\)%20indicated%20on%20the%20ticket.](https://www.oresundstag.se/en/travel-information/buy-ticket/#:~:text=Travel-ing%20within%20City%20Zone&text=When%20traveling%20with%20Öresundståg%20to,59)%20indicated%20on%20the%20ticket.)] that states "When traveling with Öresundståg ... [your] ticket is valid for public transport in area F+L (zones 1, 3 and 4) ... Public transport included are the S-trains (DSB), Movia's city buses, the Harbor Bus and the Metro. This applies to both an arrival ticket and a departure ticket in Denmark with the Öresund train to or from Sweden.". Along with these two examples, I also found countless examples of this same information on many other official sites, which ultimately confirmed to me, beyond any reasonable doubt, that as my ticket was valid for Zones F+L, it WAS valid for travel on the Copenhagen Metro and Buses. I struggle to understand how any other common person could find reason to doubt this being the case.

To compound the information I found regarding the zones my ticket was valid for, the ticket itself also featured a “validity map” indicating all of central Copenhagen was within it’s area of validity [Image 4].

This meant that for the journey we were making to Trianglen, I fail to see how any reasonable person could expect this ticket to be anything other than valid for travel, as I did. Had this not been the case, there would have been no reason why I wouldn’t have simply bought myself a DOT ticket at the same time as I bought my girlfriend’s.

As we were about to alight the Metro at Trianglen we were stopped by a ticket controller. I presented both my girlfriend’s DOT ticket and my Skånetrafiken ticket and was immediately told, without so much as the person scanning the Aztec code on the ticket, that it was invalid. We exited the Metro train with the inspector and I questioned why my ticket was invalid when it clearly mentioned it was for the Oresund Zone, including zones F+L. The ticket inspector simply replied that “it’s not valid” something I still to this day do not understand and which he was clearly unable to explain to me, despite me pressing several times and even showing the DSB web page mentioned previously. He wasn’t able to explain why my ticket wasn’t valid other than that his “reader said so”.

There is absolutely no mention on the ticket that the Copenhagen metro/buses are excluded, and if they were, then surely the ticket wouldn’t imply the contrary by mentioning zones F+L and the map covering the whole central Copenhagen area.

Ultimately I have two complaints, the first is that I do not believe this ticket was invalid and I am yet to see any evidence to show that this is the case. The inspector themselves and nothing I have found online has been able to demonstrate why the Oresund Zone ticket wouldn’t be valid. And secondly, if this was genuinely the case, I would argue that the ticketing partnership with Skånetrafiken has seriously missold this ticket, and the inspector was poorly trained as they were clearly unable to actually demonstrate to me that this was the case. No attempt at fare evasion had been made at all, given I’d already gone ahead and bought my girlfriend’s ticket. Had I had any reason to suspect I didn’t also have a valid ticket I would have bought one for myself before making the journey.

I believe the fare evasion ticket to have been served both incorrectly, or at the least in very bad faith, given the situation and evidence I had before me prior to making the journey. It is seriously disappointing that the inspector felt it necessary and that he suggested I had attempted to “evade a fare” when this clearly wasn’t the case. As such I wish to contest this accusation of fare evasion which is completely untrue.

In their response to me The Copenhagen Metro Service say that “[I] presented a Eurovision ticket which was only valid for travel with the Øresund train between Malmø and Copenhagen.” something which I contest for the reasons above. Nowhere does it say on the ticket this it is “Only” valid on the Oresund train, that is simply untrue. There is no wording that states “Only” which would be a clear distinction.

They go on to state that “this information was available both on the Skånetrafiken app and on their website.”, which I disagree with, nowhere on either the promotional material or on Skånetrafiken’s own website does it mention that the ticket is excluded from or not valid \*within\* Copenhagen [Images 5 and 6] only “Unlimited travel to and from Copenhagen with the Øresund train”. This marketing text does not clearly demonstrate that the ticket isn’t valid on the Copenhagen Bus or Metro, especially in context where the only actual validity information on the ticket itself suggests otherwise by explicitly stating validity within zones F+L and showing so on the map.

They further say that “On the frontside of your ticket, it is also stated that the ticket is valid for unlimited trips to & from Copenhagen with Øresundstog and in Skåne 5-12 May. This information is also given in the



purchase flow right before you finalize the purchase.” which I don’t disagree with [Image 7], however I do disagree that those statements do anything to suggest that the ticket wouldn’t be valid for the journey I wished to make. See again [Image 3 - [https://www.oresundstag.se/en/travel-information/buy-ticket/#:~:text=Traveling%20within%20City%20Zone&text=When%20traveling%20with%20Öresundståg%20to,59\)%20indicated%20on%20the%20ticket.](https://www.oresundstag.se/en/travel-information/buy-ticket/#:~:text=Traveling%20within%20City%20Zone&text=When%20traveling%20with%20Öresundståg%20to,59)%20indicated%20on%20the%20ticket.)] that states “When traveling with Öresundståg ... [your] ticket is valid for public transport in area F+L (zones 1, 3 and 4) ... Public transport included are the S-trains (DSB), Movia's city buses, the Harbor Bus and the Metro. This applies to both an arrival ticket and a departure ticket in Denmark with the Öresund train to or from Sweden.”.

My final point of contention is that the ‘Fare evasion ticket’ I was issued puts forward a specific accusation of ‘Fare evasion’ which, in English (the language used on the ticket issued to me), is defined as “Traveling/attempting to travel on a railway without having paid the fare, with intent to avoid payment”. A key distinction of fare evasion compared to simply travelling without a ticket valid for the journey being made, is that there has to have been provable intent to travel without holding a valid ticket. I believe I had demonstrated that there was no ill-intent and that if I had any suggestion that my ticket was invalid, I would have bought a ticket, i.e. there is no attempt to travel with an intent to not pay the required fare.

The Metro service themselves have acknowledged this, and even state so [Image 8] in saying “I completely understand your request, because it is just a very unfortunate situation ... I have no doubt in my mind that you did not deliberately travel on the metro without a valid ticket, but as a transport company we are obliged to treat all our passengers equally, which is why it’s not possible for us to take a passenger’s intention and human errors into consideration, I am very sorry.”. In effect, their own correspondence accepts that I didn’t not attempt “fare evasion” the very thing I have been issued a ticket for.

I very much hope that given the evidence I have provided, you will agree that it is unreasonable to have been issued the “Fare evasion ticket” in the circumstances outlined as a result of both a)the ticket appearing for all intents and purposes to be valid for the journey needing to be made but also b)no genuine attempt at “fare evasion”, the offence for which I have been ticketed, having actually been made.

**Ønsker at opnå:** I very much hope that given the evidence I have provided, you will agree that it is unreasonable to have been issued the “Fare evasion ticket” in the circumstances outlined as a result of both a)the ticket appearing for all intents and purposes to be valid for the journey needing to be made, but also b)no genuine attempt at “fare evasion”, the offence for which I have been ticketed, having actually been made. Ultimately I feel the Fare evasion ticket should be withdrawn.”

## Indklagede anfører følgende:

“The complainant was met by inspection May 12<sup>th</sup>, 2024, at 12:40 after the metro left Østerport station – and the complainant told the inspector, that he was going to Trianglen station. As the complainant presented a special event ticket, which was not valid in the metro, an inspection fee was issued.

First it must be stated that the Metro - similar to all other means of public transport in Copenhagen area (and in the rest of Denmark in general) - runs on a self-service system, where it is the passenger's own responsibility - before boarding the metro - to be in possession of a valid ticket or card, as well as being able to present this on request. When using public transport, rules and guidelines apply, which appear from the joint national travel regulations, which are available on the transport companies' websites.

In a situation where a valid ticket or a valid card cannot be presented the passenger must accept to the issue of an inspection fee which for an adult is 750 DKK.

In the [joint national travel regulations](#) the following, among others, is stated:

## 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 responsibility to have a valid travel document upon boarding, including by ensuring that the

and

### 2.7.1. Inspection 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 been broken.

When our inspectors meet a customer who cannot present a valid ticket or card, he or she must not take into consideration what the reason might be, but only deal with the fact that if a valid travel document cannot be presented, an inspection fee must be issued to the customer. All subsequent case processing takes place by contacting customer service in writing, which is also evident from the complaint instructions on the inspection fee itself which was handed over to the complainant by the inspector.

Attached the complainant's first inquiry to Metro Service he had attached a picture (attachment 1 a) of a Receipt of a DOT ticket, bought for his girlfriend, information found on DSB's homepage regarding Øresunds ticket or card and a copy of the upper part of a Eurovision Copenhagen/Skåne mobile ticket, none of which we find relevant in this case.

After the complainant has contacted the Appeal Board, he later forwarded a zip-fill with 8 images:

- 1) a part of a ticket, indicating the stations served by the Øresundståg (Lufthavnen, Kastrup, Hovedbanen, Nørreport and Østerport)
- 2) a clipping from DSB's website regarding the Øresund ticket or Øresund card - the complainant's ticket was not, however, an Øresund ticket/Øresund card but a special event ticket issued by Skånetrafiken
- 3) a clipping from Skånetrafiken's website regarding Øresundståg - the information relates to a single ticket for a day (24 hours) - the complainant's ticket is, however, not a day ticket but a special event ticket
- 4) a clipping of the Eurovision Copenhagen/Skåne ticket of Copenhagen City - probably for showing the area FL, but not sure
- 5) a clipping from Skånetrafiken's website regarding the special Eurovision ticket – please note that the ticket Eurovision Skåne/København ticket is valid for 8 days and can be used as follow: **“Rejs ubegrænset til og fra København med Øresundstoget...”**
- 6) Information found on the Eurovision Song Contest website – also here it is stated **“Unlimited travel to and from Copenhagen via the Øresund bridge train ....”**
- 7) a copy of the event ticket the complainant received on his mobile phone – here it is clearly stated that it is valid to **“Unlimited trips to &from Copenhagen with Øresundståg ...”**

- 8) a clipping from the decision sent to the customer - here, we must point out that English is not the primary language for our case handlers. In the decision, we wanted to tone down the severity of the ticketing situation and reassure the customer that we acknowledged their frustration. We sincerely apologize if this was misunderstood

Below our comments and links:

On [Skånetrafikens homepage](#) it was stated:

## Særlige Eurovisionbilletter

Skånetrafiken lancerer to skræddersyede billetter til Eurovision-ugen. Begge billetter er gyldige i otte dage, fra den 5. til den 12. maj. Den ene gælder for hele Skåne og den anden for rejser over Øresundsbroen samt i hele Skåne.

Når Eurovision Song Contest afholdes i Malmö i den første uge af maj, forventes tusindvis af besøgende at komme til Skåne. Vi vil gøre det nemt for alle at vælge at rejse med tog og bus. Billetterne kan naturligvis købes, uanset om man skal se Eurovision eller ej.

### Sådan fungerer billetterne:

Eurovision Skåne: Rejs ubegrænset med bus og tog i Skåne i otte dage for kun 350 kroner.

Eurovision Skåne/København: Rejs ubegrænset til og fra København med Øresundstoget samt med bus og tog i hele Skåne i otte dage for kun 700 kroner.

Billetterne kan ikke lånes ud.

Billetterne kan købes fra den 15. april til den 12. maj via appen. Download appen via Google Play eller App Store, hvis du ikke allerede har den!

Bemærk:

Priserne er i svenske kroner.

Billetterne kan ikke refunderes.

For mere information om billetterne, besøg Skånetrafikens hjemmeside.



On the [Eurovision song contest homepage](#) information regarding special offers for Eurovision week regarding travelling could be found:

[udeladt da er gengivet under sagsfresmtillingen]

On the ticket delivered to the complainants' mobile we find it clearly stated that the ticket was valued to unlimited trips to and from Copenhagen with Øresundståget – **nowhere** is it stated that the ticket can be used unlimited in buses, S-train, metro or other means of transportation.

Skånetrafiken has sent us the information the customer was present when using the Skånetrafiken app to buy a Eurovision Ticket: [udeladt, da er gengivet ovenfor under sagsfremstillingen].

The Skånetrafiken has also confirmed, that the ticket was not valid for travelling with the metro – see the answer from Skånetrafiken below:

Som de står på vår hemsida:

”Du kan bara resa på Öresundståget till Österport med denna biljett i Köpenhamn”.

Från vår salges avdelning:

*Den är inte giltig på Metro utan bara på Öresundstågen och bara till Österport.*

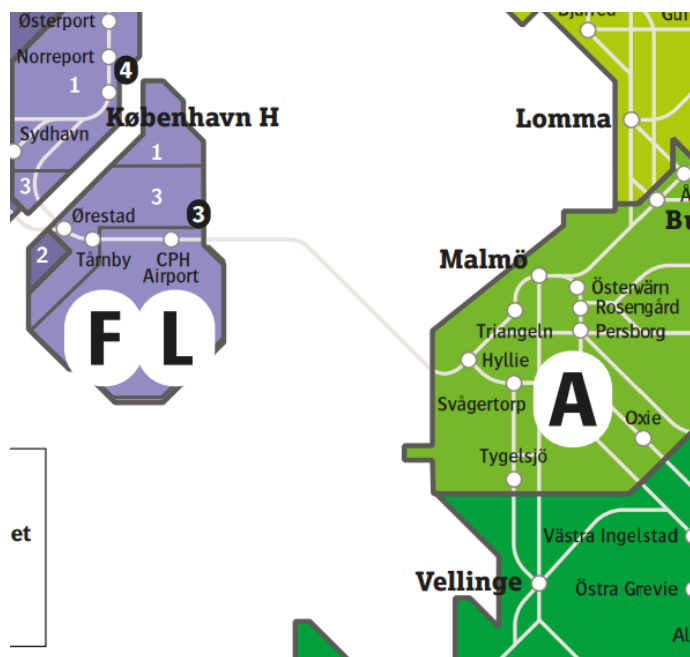
*Den är alltså inte heller giltig på bussar/S-tog/regionaltåg mm.*

We must state that it was not a Øresund zone ticket the complainant used – but a special event ticket for which special conditions applied, among other things that the ticket only was valid to and from Copenhagen with Öresundståg which in our opinion was clearly stated on the ticket delivered to the complainants’ mobile, see the example below.





The fact that the zones FL was stated on the ticket is due to the fact, that the Øresundståg is operation in Denmark in those 2 zones when going from Sweden to and from Østerport.



Based on the above, we must therefore maintain that the complainant has not paid for his journey when using the metro, as the metro was not included in the purchased ticket, as this was a special event ticket only to be used in Denmark between CPH Airport Kastrup and Østerport, and only when using the Øresund train/Øresundståg.

It is correct, as the complainant stated in his submission to Metro Service and subsequently to the Appeals Board, that his ticket was stated the area of validity as "ÖRESUND ZONE (FL + ABCDEFGHIJ) but it was also stated "Unlimited to and from Copenhagen with Øresundståg" – nowhere was it stated that the ticket could be used in buses, S-trans, metro etc. in Copenhagen.

When stated that the ticket was valid for stated "Unlimited to and from Copenhagen with Øresundståg" we find it not at all strange that it is stated where the ticket can be used and not all the many exceptions that may apply (city buses, Harbor buses, S-trains, DSB-regional trains, metro, "Hop on-hop off Sightseeing buses, Canal Tour etc.)

We must of course apologize if the complainant has taken offence to the fact that the inspection fee issued was called a "fare evasion ticket".

As can be seen from both this email and previously sent replies to the complainant and the payment slip attached to the email, we no longer use the words fare evasion ticket, but rather inspection fee, which is more correct. Unfortunately, this has not been reflected in the inspection fee that is handed out to customer, when in a control situation the customer cannot present a valid ticket or card, and therefore is given an inspection fee as he or she has received a service that was not paid for. We do not consider whether it is a conscious or unconscious act, nor do we relate to whether the customer has handled in good or bad faith – we only relate to the fact that the customer has received a service he or she had not paid for.

It can be stated that fare evasion ticket will be corrected to inspection fee at the next reprint of new inspection fees.

Finally, we must again maintain that the complainant used a special event ticket with special conditions, and which was bought for a special price, and on the basis of this, we must maintain that the complainant has not paid for the journey when using the metro and on this ground, we find the inspection fee correctly issued and subsequently maintained. Based on the above we maintain our claim of DKK 750."

## **Hertil har klageren gjort gældende:**

### **" 1. Confusion Regarding Ticket Validity**

The primary issue here stems from the confusion around the validity of the "Eurovision Copenhagen/Skåne" ticket I was using. The ticket explicitly mentions "ÖRESUND ZONE (FL + ABCDEFGHIJ)" in the area of validity section, which, in my understanding, indicated it was valid for travel within these zones, including on the Metro, as zones F and L encompass central Copenhagen.

While Metro Service argues that this was a special event ticket with limited validity, I believe this distinction was not made clear at the point of purchase or in the ticket information provided to me. The ticket did not state any specific exclusions related to the Metro or other forms of public transportation within these zones, which would be different to ordinary Öresund Zone tickets. The fact that the ticket mentioned "Unlimited travel to and from Copenhagen" and the validity zones listed led me to believe that it covered all forms of public transport within the designated zones, as is typical with standard Öresund zone tickets.

### **2. Misleading Information and Lack of Clarity**

The information provided to me before the journey, both on the Skånetrafiken app and the DSB website, reinforced the belief that my ticket was valid for travel on the Metro. The DSB website explicitly mentions that tickets covering zones F+L include travel on the Metro. There was no clear indication that this particular ticket was an exception to that rule on the ticket or in the promo material in the app. I would argue for such a significant change in conditions compared to standard tickets this should have been clearer.

In their response, Metro Service also mentioned that the ticket's validity did not extend to boats, tourist buses, and other non-standard transportation methods. I want to emphasize that I never assumed my ticket would be valid on these services. My understanding of the ticket's validity was strictly based on the references to zones F+L and the information I found online, from official sources, about these zones, which led me to believe the Metro was included. From their response, it seems that an "Öresund Zone" ticket and the "Öresund Zone" area of validity are not the same thing, but this distinction was absolutely not clear to an ordinary person like myself, they quite literally have the same name and nowhere obviously states there is a distinction.

### **3. Unreasonable Expectation of Detailed Knowledge**

As a traveler from outside of Denmark (using a ticket aimed at foreign visitors), I feel it is unreasonable to expect that I should have detailed knowledge of the distinctions between various ticket types sold by DOT/Skånetrafiken, especially when the ticket's wording and associated information did not make these distinctions and exemptions clear. I relied on the information available to me, which suggested the ticket was valid. Metro Service's argument that I should have known this ticket was an exception is unrealistic and does not take into account the complexity of cross-border ticketing systems. I especially feel this is the case given in the last 6 years I've visited 10s of cities around Europe and used their public transport networks without issue, and generally exceptions on promotional tourist fares are pretty obvious and clearly stated as such. I feel it is unreasonable to imply an exception without actually mentioning any restrictions to validity.

#### **4. Terminology of "Fare Evasion"**

Finally, I appreciate Metro Service's acknowledgment that the term "fare evasion" is inappropriate in this context. The use of this term suggests intentional wrongdoing, which is not applicable in my case. As even Metro Service acknowledged in their correspondence, I had no intent to avoid paying the fare and acted in good faith based on the information available to me.

#### **Conclusion**

In summary, I believe the inspection fee was issued based on a misunderstanding of the ticket's validity, and I respectfully disagree with Metro Service's interpretation. The lack of clear communication about the limitations of the "Eurovision Copenhagen/Skåne" ticket, combined with the ticket's own wording and the information provided by official sources, led me to reasonably believe that my ticket was valid for the journey I was undertaking."

#### **Til dette har Metro Service svaret:**

"First, we need again to precise that the ticket the complainant had bought was a special event ticket related to the event Eurovision Song Contest and issued by the Skånetrafiken - it was not an ordinary ticket and therefore information related to ordinary tickets cannot be compared.

The complainant writes that the DSB website explicitly mentioned that the ticket covering zone F+L included travel on the Metro. The information on DSB webpage relates to ordinary Øresunds tickets and Øresunds card, not events or special tickets.

It is of course regrettable if the complainant has misunderstood this information.

We must point out, that DOT and Skånetrafiken are 2 separate companies in respectively Denmark and Sweden.

Skånetrafiken is responsible for and operates the Öresundstrain both in Denmark and in Sweden, and that is the reason why they have been able to make this special event tickets for travel in Denmark with the Öresundstrain. However, based on the information at the ticket, the purchase flow when purchased the ticket in Skånetrafiken's app, Skånetrafiken's website and the Eurovision song contest webpage is clearly stated that his ticket, was valid to unlimited rides to Copenhagen via the Öresund bridge train, as documented in our earlier mail.

We do not know why Skånetrafiken has opted out of stating which means of transport the ticket was not valid, but it might very well be because this would be too extensive to write all the transport means it wouldn't be valid in instead of where the ticket was in fact valid = in zones F+L when using the Öresundstrain.

Based on our earlier argumentation, documentation and the above we still find the inspection fee correctly issued, as the complainant has received a service, he did not pay for, and due to this we maintain our claim of DKK 750.

We do not believe that we could be responsible for the information given by Skånetrafiken or on the Eurovision song contest webpage nor could we be responsible for the complainant's interpretation of the given information."

På ankenævnets vegne



Lone Bach Nielsen  
Nævnetsformand