

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer:	24-0266
Klageren:	XX og YY York, England
Indklagede: CVR-nummer:	Metroselskabet I/S v/Metro Service A/S 21 26 38 34
Klagen vedrører:	En kontrolafgift til dem hver på 750 kr. grundet rejse i Metroen på Eurovisionsbilletter med gyldighed til ubegrænsede antal rejser mellem København og Malmø med Øresundståg
Parternes krav:	Klagerne ønsker, at ankenævnet annullerer kontrolafgifterne, og gør bl.a. gældende, at det ikke var tydeligt, at billetterne kun gjaldt i Øresundstoget, samt at de ved kontrol i Metroen tre gange tidligere havde fået godkendt billetten Indklagede fastholder kontrolafgifterne
Ankenævnets sammensætning:	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 betaling af kontrolafgifterne på hver 750 kr. til klagerne.

Klagerne skal betale beløbet til Metroselskabet I/S v/Metro Service A/S, der sender betalingsoplysninger til dem.

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

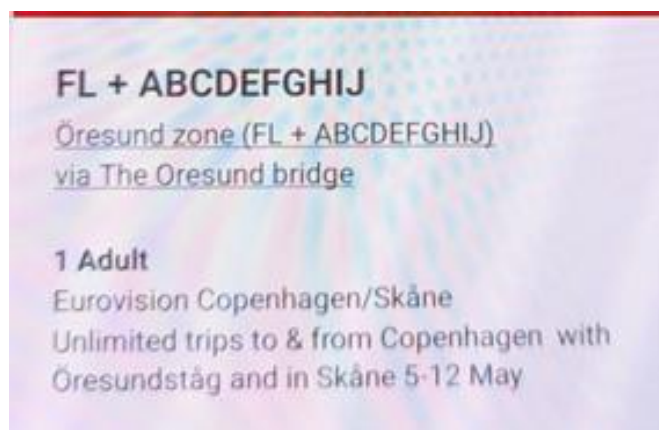
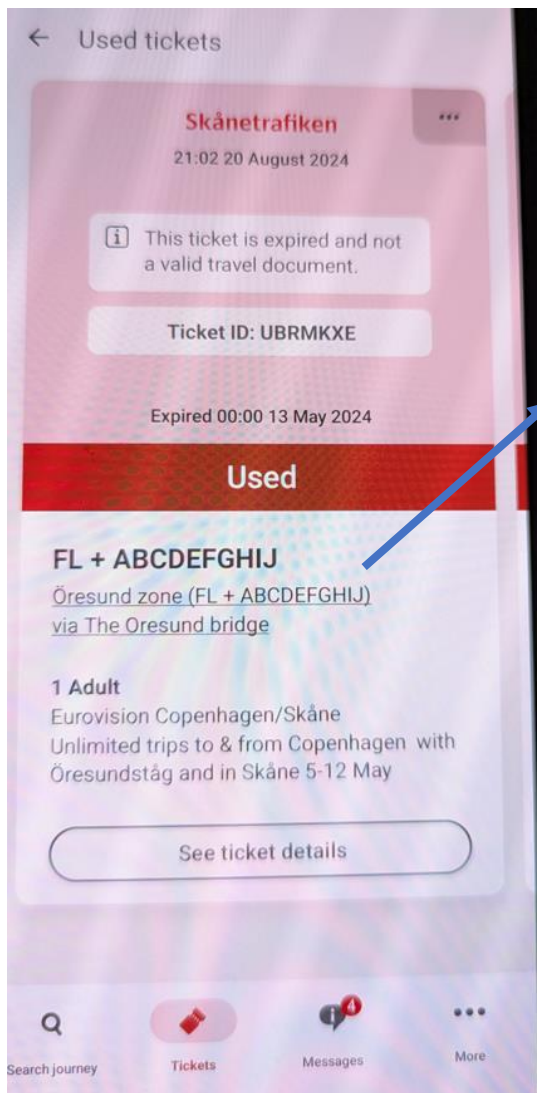
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Hver af parterne kan anlægge sag ved domstolene om de forhold, som klagen har vedrørt.

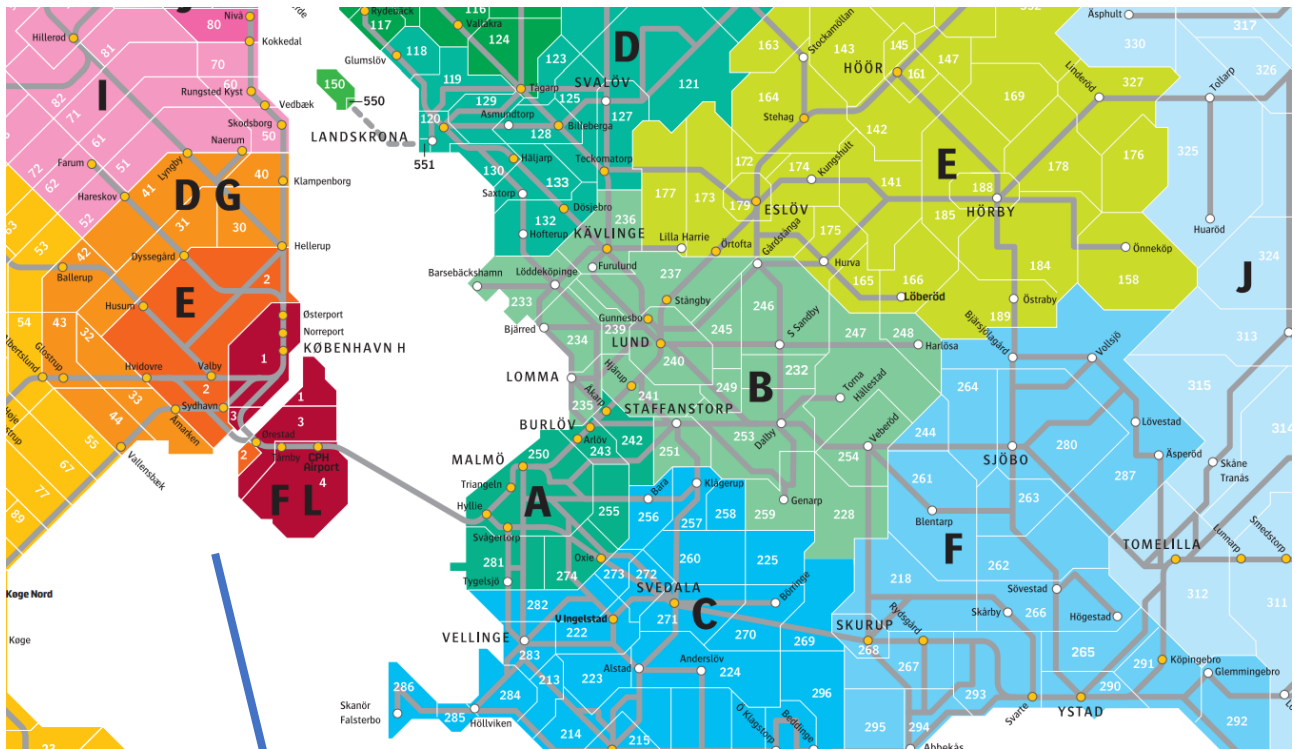
Klageren henvises til at søge yderligere oplysning om eventuel bistand i forbindelse med sagsanlæg fx på www.domstol.dk, www.advokatnoeglen.dk og /eller eget forsikringsselskab om eventuel forsikringsretshjælp.

SAGENS OMSTÆNDIGHEDER:

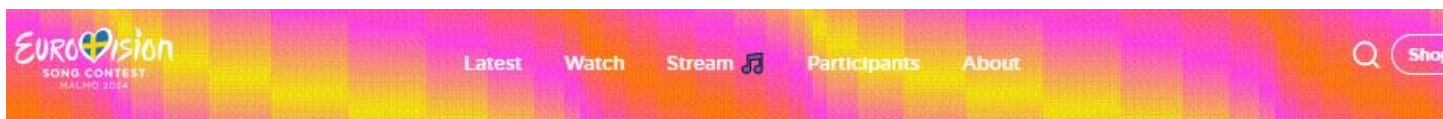
Klagerne, der er bosiddende i England, skulle se Melodi Grand Prix i Malmø i maj måned 2024. De overnattede i København og ville pendle frem og tilbage. Som rejsehjemmel havde de købt en særlig Eurovision Copenhagen/Skåne-billet udbudt af Skånetrafiken. Billetten var efter sin ordlyd gyldig til zonerne FL+ABCDEFGHIJ til ubegrænset rejse til og fra København med Øresundstog og i Skåne i perioden 5.-12. maj 2024:



Zonekort for dele af Sjælland og Skåne:



Informationen fra Eurovisions hjemmeside:



Special offers for Eurovision week

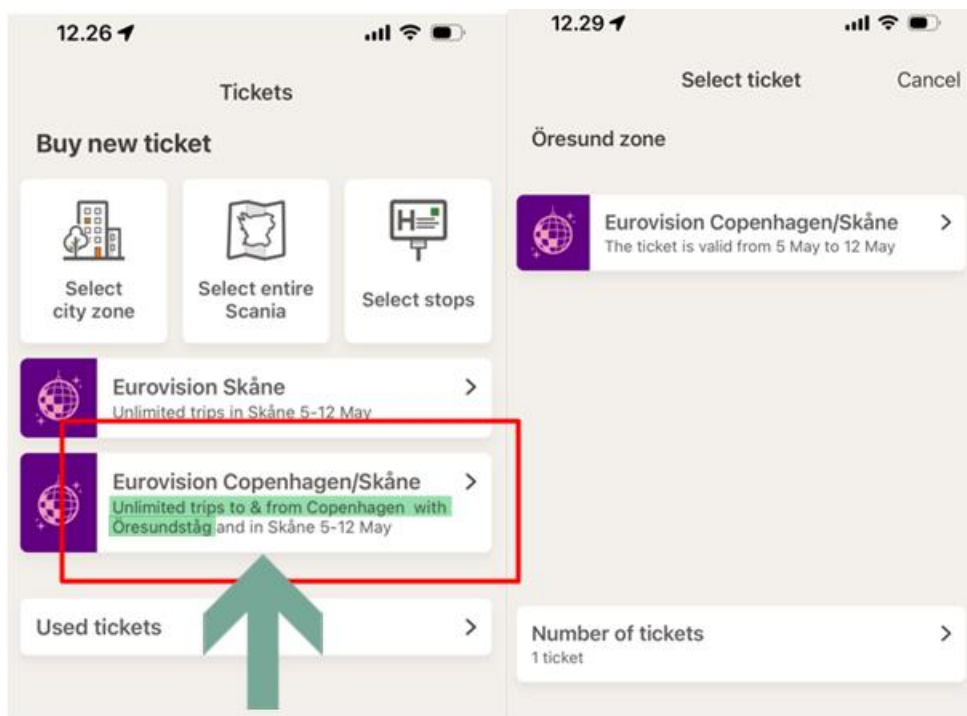
Skånetrafiken are offering two different types of tickets that give you unlimited travel for Eurovision week. Both tickets are valid for 8 days, between Sunday 5 May and Sunday 11 May inclusive.



- **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).

Fra Skånetrafikens app, hvor klagerne købte den billettype overstreget med grønt:



Den 12. maj 2024 skulle klagerne flyve hjem til England og rejste med Metroen fra Femøren st. i retning mod Lufthavnen, hvor der var kontrol af deres rejsehjemmel. Efter at stewarden havde scannet billetterne, blev de hver pålagt en kontrolafgift på 750 kr., fordi billetten ikke var gyldig til Metroen, men kun til Øresundstoget.





De elektroniske kontrolafgifter, som blev indtastet til Metro Service:

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Samme dag, den 12. maj 2024, anmodede klagerne Metro Service om at annullere kontrolafgifterne og begrundede det med, at de ved tre tidligere lejligheder var blevet kontrolleret i Metroen, og hver gang havde stewarderne godkendt deres billetter efter at have scannet dem. Videre skrev klagerne, at den pågældende steward ved kontrollen den 12. maj først havde tilbudt at udstede en kontrolafgift kun til hustruen, men da klagerne påpegede den inkonsekvente holdning hos stewarderne, besluttede stewarden sig for, at de begge skulle pålægges en kontrolafgift.

Den 17. maj 2024 fastholdt Metro Service kontrolafgifterne, idet billetterne ikke var gyldige i Metroen. De skrev, at det var beklageligt, at der havde været en misforståelse ved købet, men det var ikke muligt at kommentere på tidligere rejser og kontrolsituationer, hvorfor de henviste klagerne til at klage til Skånetrafiken, der havde udstedt billetten:

"I am very sorry, but I cannot reduce or cancel your inspection fee, as it was issued correctly. A Eurovision train ticket is not valid for use in the Copenhagen Metro. It is only valid for travel with the Öresundstrain between Copenhagen and Skåne, within the validity time. This is stated on the front of the ticket.

It's unfortunate if there has been a misunderstanding during the purchase of the tickets, but it is not possible for me to comment on previous journeys, ticketing situations or sales situations, as this cannot change whether or not the inspection fee is issued correctly.

As the ticket has been provided by Skånetrafiken, all complaints and inquiries regarding the ticket and the information thereof, should be directed to their customer service department. You can find their information here: [Kontakta Skånetrafikens kundservice-Skånetrafiken \(skanetrafiken.se\)](https://www.skanetrafiken.se)

I understand that this was probably due to a very regretful situation or misunderstanding, and of course, it is frustrating receiving an inspection fee when you were not purposefully

trying to evade paying for your fare, but our stewards are instructed to issue an inspection fee to any passenger who cannot present a valid travel document upon ticket inspection, regardless of reason.

It is not possible for us to take the intention of the passenger and good faith into consideration. Likewise, we cannot make exceptions based on a customer's travel history and previous purchases. That type of distinction is impossible to enforce fairly and consistently both for our stewards, and for ourselves, as we cannot look into a passenger's intent or their previous journeys with any kind of certainty."

Dette fik klagerne til at præcisere over for Metro Service, at klagen angik den omstændighed, at Metroens stewards ved tre tidligere lejligheder havde godkendt billetterne, samt at Metro Service med overlæg havde lokket dem i en fælde ved at have givet dem en falsk sikkerhed om, at billetterne var gyldige, og så først på billettens sidste gyldighedsdag og på klagerens vej til lufthavnen for at flyve hjem, havde udstedt kontrolafgifterne:

"Thank you for your quick response and for recognising that my wife and I have been issued a 'fare evasion' fine when we were not purposefully trying to evade paying for my fare. Regrettably, I don't believe you have addressed my actual complaint. I wish to make this more explicit now and provide you a further 5 working days to respond, before I escalate this matter further.

My complaint is that your inspectors have confirmed our tickets are valid on three separate occasions, including earlier on the day we were issued the fine. This means that the reason for this fine from Metro is because Metro representatives have confirmed following physical inspection that our tickets were valid, prior to the fourth inspection that resulted in a fine. Therefore, we have only two possible scenarios:

- 1) negligence - that on three separate occasions your inspectors negligently confirmed our tickets as valid when they weren't - this appears to be what you are acknowledging by saying now that they aren't in fact valid. In this case Metro need to accept corporate responsibility for the mistake and cancel the fines.
- 2) entrapment - that Metro have deliberately lured international travellers into a false sense of security, only to fine them on the final day of the ticket validity and on route to the airport. In this case Metro need to be referred to the regulator for disciplinary action. It is on these grounds - that Metro have either acted negligently or employed entrapment tactics - that I have raised my complaint and expect you to cancel the fines for my wife and I as soon as possible, and indeed any other traveller in the same situation. Please can you review and confirm how you wish to proceed? If needs be I will escalate this complaint to your Appeals Board and regulator. I have held off from publicising this issue, but will be forced to alert other travellers via media if this goes unresolved."

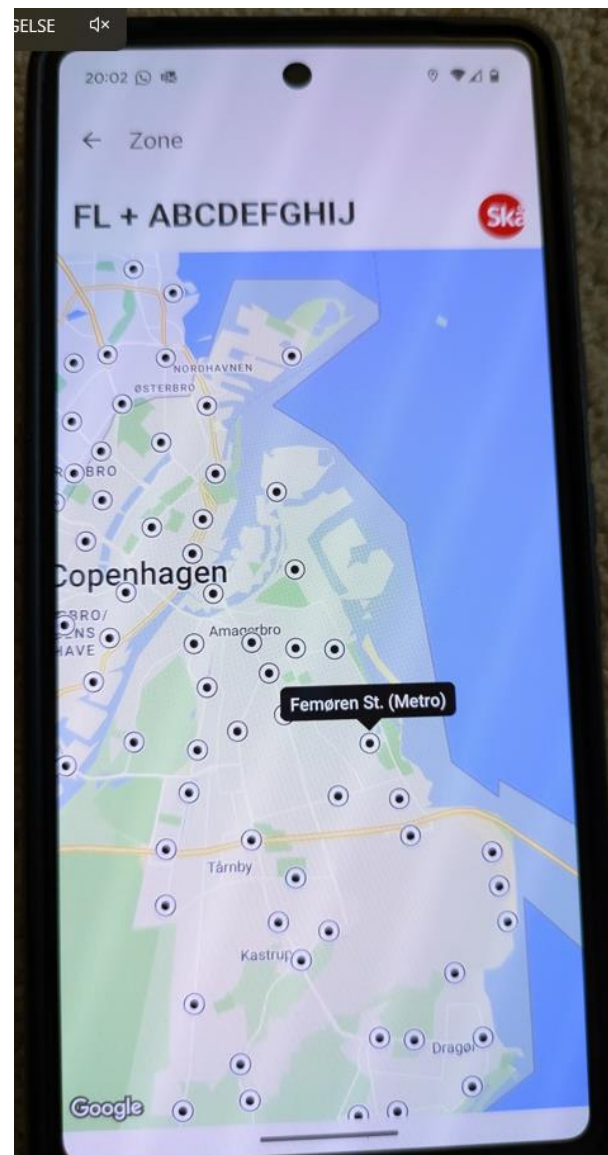
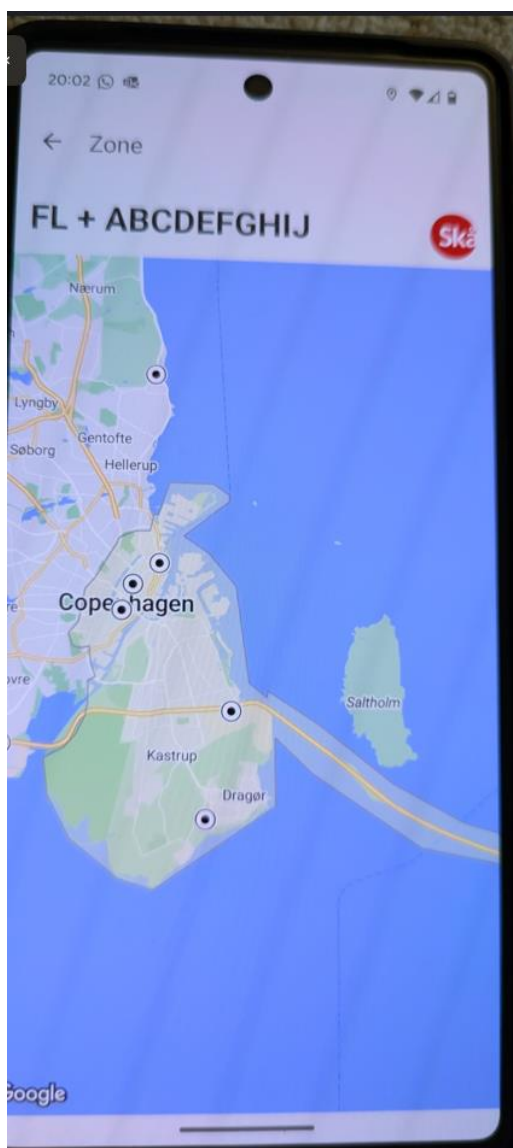
Metro Service fastholdt endnu engang kontrolafgifterne den 22. maj 2024 med den begrundelse, at det stod på forsiden af billetten, at den var gyldig til rejse til og fra København med Øresundstogget, og at den københavnske Metro er ikke noget Øresundstog:

"We have had another look at your case, but must maintain our claim, as we consider the inspection fee to be issued correctly.

It is stated on the front of the ticket that it is valid for travel to and from Copenhagen with the Øresundstrain, and in Skåne. The Copenhagen metro is not an Øresundstrain.

You have the option of taking the matter further by filing a complaint to The Appeal Board for Bus, Train and Metro at www.abtm.dk. Information, protocols and previous rulings can also be found on the website."

Derefter indbragte klagerne sagen for ankenævnet, hvor klagerne har tilføjet, at de for at forstå billetternes gyldighedsområde "Øresund Zone (FL + ABCDEFGHIJ) via The Øresund bridge", klikkede på linket i billetten, som viste et kort med grænser inklusive københavnsområdet, inklusive metronettet og strækningen mellem Femøren st. og Lufthavnen st. Denne information fik dem til at tro, at billetterne ville være gyldige på Metroen. Udsagnet på billetten om "ubegrænsede ture til & fra København med Øresundståg og i Skåne" kan opfattes som, at ture til og fra København *kan* være med/inklusive Øresundståg, men det står ikke klart nok, at de er begrænset til *kun* det.



Videre tilføjede klagerne, at de fremviste deres pas som ID, men stewarden holdt hustruens pas og nægtede at give det tilbage, hvilket fik dem til at spekulere på, om de ville være i stand til at nå deres fly. Da de insisterede på, at stewarden afleverede passet, ringede han efter en anden steward og fortalte klagerne, at kameraerne nu pegede på dem, hvilket gjorde hustruen meget ked af det.

Metro Service har oplyst, at stewarden husker kontrollen, og klagerne havde meget travlt, men han kunne kun udstede en kontrolafgift ad gangen, hvilket han fortalte dem. Klagerne var meget sure, og derfor bad han om kamera og "politikode 1" samt en kollega, der kom og hjalp med at udstede kontrolafgifterne. Passet bruges til at sikre kundens identitet, når kontrolafgiften skal udstedes. Klagerne har muligvis misforstået stewardens oplysning om kun at kunne udstede én kontrolafgift ad gangen med at de kunne nøjes med at blive pålagt kun én kontrolafgift.

Dette har klageren benægtet.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

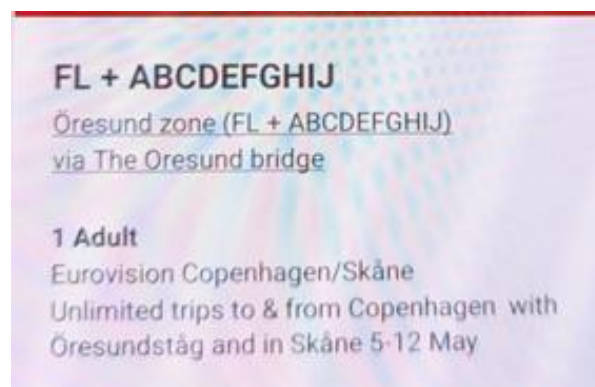
3 medlemmer med i alt 3 stemmer Lone Bach Nielsen, Helle Berg Johansen og Dorte Lundqvist Bang, udtaler:

"Det fremgår af den daværende information på Eurovisions hjemmeside, at billetten var gyldig til ubegrænset rejse til og fra København med "Øresund bridge train" og til rejser med bus og tog i hele Skåne, samt at billetten kunne købes i Skånetrafikens app under specialbilletter (Special Tickets):

- Eurovislon 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 fremgår det af den billet, som klagerne købte og fik leveret til telefonen, at billetten var gyldig i Øresund zone via The Øresund bridge og til ubegrænsede rejser til og fra København med Øresundstog:



Billetudsnit:

Dette betød, at kunden kunne stige af og på Øresundstoget på de seks stationer, som toget standser ved i de benævnte zoner FL i København.

Vi finder på baggrund af disse oplysninger, at billetens anvendelsesområde fremgik med tilstrækkelig tydelighed, og at klagerne derfor ikke med rette kunne antage, at de 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 der stod på Eurovisions hjemmeside, at billetten også var gyldig til bus og tog i hele Skåne, hvilket efter vores opfattelse påpeger over for kunden, at der var forskel på billetens anvendelsesområde i København, hvor dette ikke var nævnt, og i Skåne. Klagerne kunne derfor ikke med rette antage, at billetens anvendelsesområde i København også gjaldt til andre transportformer end Øresundstoget, når disse ikke var eksemplificeret, som tilfældet var i Skåne.

Herefter blev kontrolafgifterne til klagerne pålagt med rette, og da det ikke er en betingelse for at udstede en kontrolafgift, at passageren bevidst har søgt at unddrage sig at betale for rejsen, har der ikke foreligget sådanne særlige omstændigheder, at kontrolafgifterne skal frafaldes.

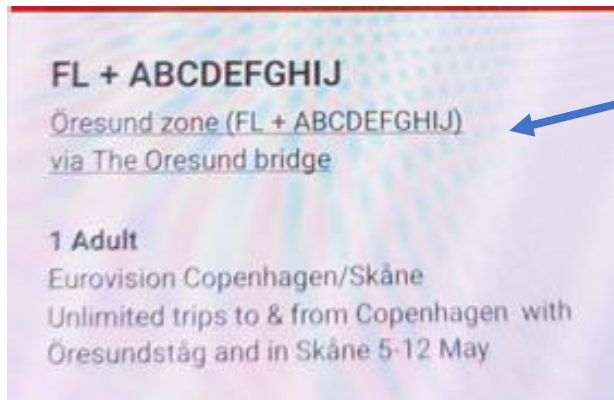
Klagernes oplysning om, at de ved tre tidligere kontroller i Metroen havde fået godkendt billetten, ændrer ikke herved, idet Metro Service ikke er bundet af medarbejdernes tidligere fejlagtige vurdering.

Vedrørende kontrolsituationen bemærker vi at det følger af lov om jernbanevirksomheder, at passagerer, der ikke er i besiddelse af gyldig rejsehjemmel, har pligt til på forlangende at forevise legitimisation. Der er ikke tale om, at personalet beholder passagerens ID, og det er vores opfattelse, at personalet kan holde identitetspapirerne under kontrolafgiftens udstedelse.

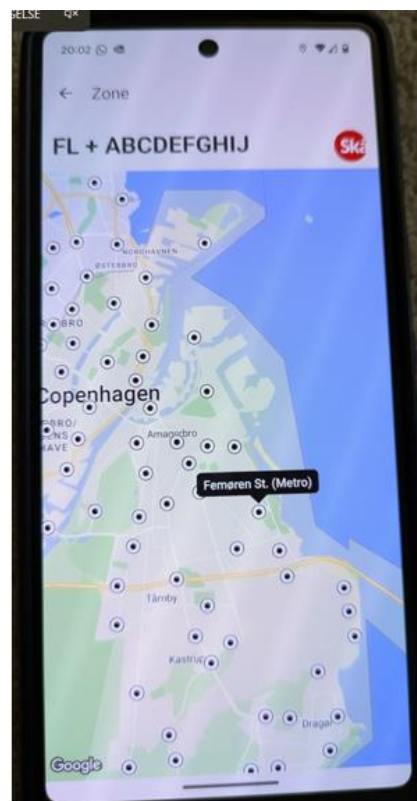
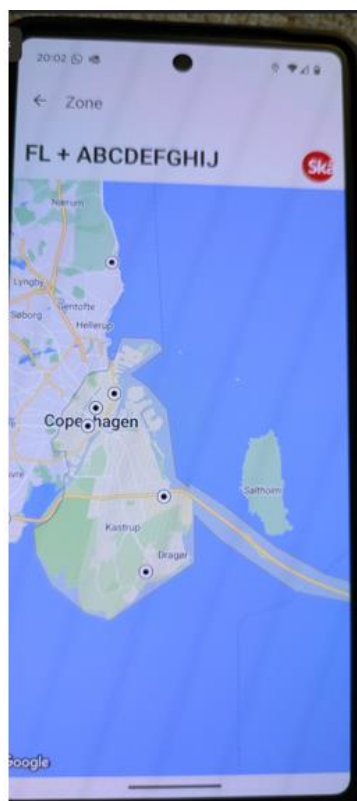
Herefter finder vi ikke grundlag for at statuere, at stewarden gik ud over sine beføjelser ved at holde det ene pas."

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

"Klagerne er engelsksprogede, og i forbindelse med modtagelse af billetten på telefonen forsøgte de for at forstå, hvad zoneangivelsen dækkede over ved at klikke på billetens link:



Herefter fremkom de to billeder, som også er gengivet ovenfor, hvor den gule streg er Øresundstogets rute, og hvor der også er afbilledet metrostationer, herunder Femøren st., som klagerne benyttede.



Når dette sammenholdes med teksten på billetten, hvor det ikke fremgår udtrykkeligt, at billetten kun var gyldig i Øresundstog i københavnsområdet (zonerne F+L), samt at stewards ved flere andre kontroller havde betragtet billetten som gyldig rejsehjemmel i Metroen, finder jeg, at det ikke var entydigt for kunden, at billetten havde begrænset anvendelsesområde.

Jeg finder efter en samlet bedømmelse af sagens omstændigheder, at Metro Service skal frafalde kontrolafgifterne til klagerne mod deres betaling af metrorejsen, som Metro Service ikke har modtaget betaling via Eurovisionsbilletten."

Der træffes afgørelse efter stemmeflertallet.

RETSGRUNDLAG:

Ifølge § 2, stk. 1, jf. § 3 nr. 3 i lovbekendtgørelse 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:

”My wife and I have been issued a “fare evasion ticket” by a Metro inspector, but we had already had our travel tickets physically inspected on three separate occasions (over the preceding days and earlier the same day) while travelling on the Metro in the Copenhagen area and we had received positive confirmation from those Metro inspectors that our travel tickets were valid. When I explained that our travel tickets had already been scanned and accepted by three other Metro inspectors, the inspector that issued us the penalty told us that we had just “got lucky” and that “they must have been less experienced staff”. He then offered to do a “special deal” because other inspectors weren’t present, offering to give us only one fine instead of two. However, when I asked how we could be given a fare ‘evasion’ ticket when we weren’t evading the fare but using travel tickets that already had the approval of his inspector colleagues, he then told us the deal was off and he would have to give us two penalty tickets after all. At this stage it was clear that the inspector could not be reasoned with and when he asked to see some ID we presented our passports, but he then confiscated my wife’s passport and refused to give it back, which was very distressing for us stood on the platform at Copenhagen airport wondering whether we would be able to make our plane. As I

insisted he handed back my wife's passport, he then called for another inspector and told us that CCTV was now trained on us. My wife became very upset and the other inspector helpfully pointed out the appeals process to us and expedited the penalty ticketing process. We have been left confused over the inconsistency of information provided by Metro (one minute our tickets are valid, then they are not) and shocked at the behaviour of their officials, which was entirely at odds with the welcome we received from Danish people throughout our visit to Copenhagen. We find the failure of Metro to accept responsibility for providing the conflicting information that led to this situation entirely unacceptable and an indicator of either negligence or a deliberate tactic of entrapment, preying on unwitting international travellers on route to the airport after luring us into a false sense of security.

Ønsker at opnå: I expect both fare evasion tickets to be cancelled with no penalty fees to be paid. I also believe we are owed an apology from Metro for being led into a situation where my wife and I were made to feel like criminals, when we had only been following the direction of their staff. I hope that by raising this matter to the Appeals Board there will be improvements made at Metro to ensure that travellers can have confidence in the accuracy of information their staff provide and can rely on their inspectors to show fairness towards people who have acted in good faith. Many thanks."

Indklagede anfører følgende:

"The complainants were met by inspection May 12th, 2024, after the metro had left Femøren station – and they told the inspector, that they were going to Lufthavnen station.

As they presented a special event ticket, which was not valid in the metro, they were issued an inspection fee each.

Initially 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, are 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, the inspectors is instructed not to 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.

We must of course apologize if the complainants have been shocked at the behavior of our officials and have been in a situation where they felt like criminals.

We fully understand that it is a really unfortunate situation that the complainants ended up in, but as we want to treat all our customers equally and in accordance with the joint nation travel regulations the inspectors do not take into considerations – nor do we in Customer Service – whether the lack of a valid ticket or card when boarding is due to a conscious or unconscious act, whether it is a child, a student, a pensioner, a tourist etc. – we only relate to the fact that it is the passengers responsibility to ensure that he or she are in possession of valid travel documents before boarding.

We are quite surprised to read (and find it hard to believe) that the complainants should have been ticketed several times - on the metro – where this special event ticket in question should have been accepted. If this is the case, we must of course apologize that the complainants were not issued an inspection fee each at an earlier time. However, we cannot help considering whether it could have been when travelling with DSB, S-tog or in an Öresundstrain, the tickets were presented and accepted?

All our staff was fully aware of and instructed in that this kind of ticket was not valid in the metro.

As mentioned all our staff was informed and instructed that this type of ticket was not valid for travel on the metro - it was clearly evident from the text on the ticket, that this ticket was only valid to and from Copenhagen with Öresundståg.



Skånetrafiken, DSB and the Metro are 3 different companies which has nothing in common than the Joint National Travel Regulations and normal tickets. In cases where special event tickets – like the Eurovision tickets – are offered by a single company any reservations or restrictions will appear on the relevant ticket. Information about this kind of reservations or restrictions will also be announced in connection with the purchase flow.

We have been in touch with Skånetrafiken who has referred to the following:

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](#) the information regarding special offers for Eurovision week regarding travelling could be found: [udeladt, da er gengivet ovenfor i sagsfremstillingen].

Skånetrafiken has sent us the information the customer was present when using the Skånetrafiken app to buy an Eurovision Ticket:

[udeladt da er gengivet ovenfor]

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.

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 Öresundståget – nowhere is it stated that the ticket can be used unlimited in buses, S-train, metro or other means of transportation in Denmark.

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, which 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.

As English is not our 1. language we wonder if the complainants impression of being offering 1 inspection fee instead of 2 may have been due to the fact that the steward cannot issue more than 1 fee at a time, and the impression the complainant and his wife have had, that the steward would not return the passport was due to that the inspector needed to secure documentation, that the person he was issuing the inspection fee to was the one who presented the ID.

The case has initially been heard by the inspector in question and he fully remembers the case. The complainant and his wife informed the inspector that they were in a hurry, and he told them that he could only issue one inspection fee at a time.

The inspectors' comments are inserted below:

Hej,
Ja, det kan jeg godt huske sagen,
De sagde at de har mødt kontrollør før mig med det må være DSB, sagde jeg til dem.
De sagde at de har travlt og vil ikke samarbejde med mig. Lige præcis den tid havde jeg en af deres pas i hånden, så jeg forsøgte bare at skrive en første afgift fordi jeg kunne ikke skrive begge afgifter på engang.
De var meget sure og der kaldte jeg kontrol for kamera og politikode 1. Der var min kollega i lufthavnen og hun hjalp med at skrive begge afgifter..

To the complainants' comments calling the inspection fee a "fare evasion ticket" we must of course apologize if the complainants has taken offence to the fact that the fee issued was called a "fare evasion ticket". As can be seen from both this email and previously replies to the complainants – and on the payment slip attached to the emails - we no longer use the word "fare evasion ticket", but rather "inspection fee", which is more correct. Unfortunately, this has not been reflected on the papers handed over to the complainants in the ticketing situation, where the fees were given. 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 and his wife had not paid for the journey when using the metro and on this ground, we find the inspection fees correctly issued and subsequently maintained. The complainants have received a service that was not paid for.

Based on the above we maintain our claim of 2 x DKK 750.

Til dette har klagerne gjort gældende:

1. Our tickets stated that they are valid in "Øresund Zone (FL + ABCDEFGHIJ) via The Øresund bridge" and to understand what area this Øresund zone relates to, we clicked on the link within the ticket before travelling, which displayed a map showing boundaries including the Copenhagen area, inclusive of the metro network and the line between

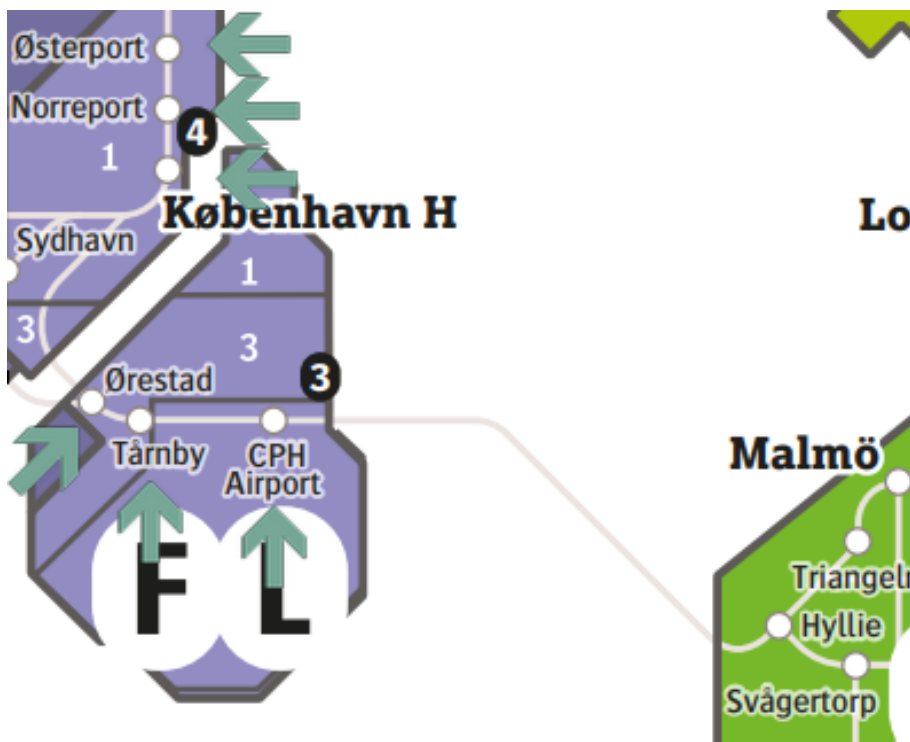
Femøren station and Lufthavnen station. Please find attached photos of our mobile ticket app and the map referenced. This information led us to believe that the tickets would be valid on the Metro. Furthermore, the statement on the ticket that Metro Service have referred to “unlimited trips to & from Copenhagen with Øresundståg and in Skåne” suggests trips to & from Copenhagen can be with/including the Øresundståg, but it does not state clearly enough if they are limited to it.

2. The previous instances where our tickets were inspected and accepted by Metro staff occurred on the same line, between Lufthavnen station and Copenhagen centre, including on the same day as well as each of the two days prior. The fact that Metro Service have stated in their response they “find it hard to believe” is accusing my wife and I of lying and suggests they consider their staff to be beyond reproach. This demonstrates a lack of willingness to empathise with our situation, show customer service and accept responsibility for the actions of their staff.
3. Metro Service have suggested there could have been a language barrier with the inspector who issued our fare evasion tickets, but have not explained how being offered a “special deal” of one fine instead of two could be misinterpreted as ‘one at a time please’. We still consider this to reflect the gross inconsistency with which Metro staff have chosen to apply their rules, as experienced between different inspectors who considered our tickets to be valid one moment but invalid the next. This damages trust in Metro staff serving as public facing officials, particularly for international travellers such as ourselves who are inherently disadvantaged with understanding local rules and customs, and need to be able to trust all Metro staff at their word.
4. The inspector comments provided by Metro Service incorrectly state that we were very angry and that he called for camera and police. I would ask that the CCTV footage is reviewed from the platform at Lufthavnen station, which will clearly show that my wife became tearful and upset when the inspector walked back onto a train set to depart from the platform whilst holding her passport. I demanded he return it, because it looked like he was attempting to confiscate it and that would prevent us being able to travel home to the UK. It was then that I tried to summon the police to help us and the inspector spoke into his radio, then told us that “CCTV was trained on us and the police were on their way”. No police arrived, but a second inspector did appear, who was far more amenable and reassured us that we could accept the tickets and appeal later, circling contact details on the fare evasion ticket itself.
5. We have always been and continue to be happy to purchase Metro tickets and would welcome the opportunity to do that instead of paying the ‘fare evasion’ ticket fees, if that would help to resolve this case amicably and mitigate Metro Service from lost revenue.

Hertil har Metro Service svaret:

” First, we need again to clarify 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 but a special ticket with special terms, among others that travelling in Denmark unlimited was when using the Øresundståg and via The Øresund bridge.

ØRESUNDSTÅG



The complainant writes that the ticket covering zone F+L should have included travel on the Metro – nowhere was this stated, nor that the buses, S-tog etc. could be used.

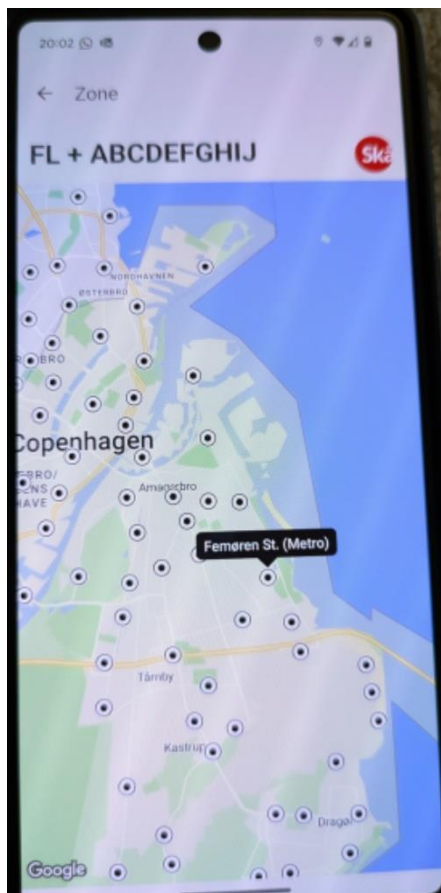
FL is for the travelers to be able to go to the Danish station which are serviced by the Øresundstog (see the above).

It is of course regrettable if the complaint misunderstood the information.

We must of course apologize that the complainant and his wife was not issued an inspection fee each at an earlier inspection – but we find that there could not be any doubt about where the tickets were valid:

[Billede af billetten er udeladt, da det er gengivet i sagsfremstillingen]

The 3rd picture, the complainant has chosen to present in his latest mail of August 21st, 2024, shows bus stops in the area – why he has chosen to attach this picture we do not fully understand.



The tickets were only valid to the 6 stations mentioned earlier in this e-mail and only if using the Øresundståg.

CCTV footage is never used in a case handling and the footage is not accessible for more than 30 days. Information about the video surveillance can be read [here](#) and where it among others is stated:

Video surveillance

For railway safety and crime prevention purposes, there are video surveillance cameras mounted in trains and on stations. Recordings from these cameras are not viewed unless the police ask for specific footage or if it is necessary to support internal operations regarding railway safety or rulings on insurance cases.

Based on our earlier comments and the above we maintain our claim of 2 x DKK 750, as the complainant and his wife received a service they had not paid for.”

På ankenævnets vegne



Lone Bach Nielsen
Nævnshoved