

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer:	25-0309
Klageren:	XX Frankrig
Indklagede:	Metroselskabet I/S v/Metro Service A/S
CVR-nummer:	21 26 38 34
Klagen vedrører:	Kontrolafgift på 750 kr. grundet manglende rejsehjemmel
Parternes krav:	Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at han var træt efter at have været rundt i København hele dagen og glemte at købe billet, fordi han ikke er vant til at kunne stige ombord uden billet i Frankrig. Både før og efter kontrolafgiften købte han billetter Indklagede fastholder kontrolafgiften
Ankenævnets sammensætning:	Nævnensformand, dommer Lone Bach Nielsen Dorthe Thorup Nikola Kiørboe Helle Berg Johansen Dorte Lundqvist Bang

Ankenævnet for Bus, Tog og Metro har på sit møde den 29. oktober 2025 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.

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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 forsikringssselskab om eventuel forsikringsretshjælp.

SAGENS OMSTÆNDIGHEDER:

Klageren var på besøg i København, hvor han om eftermiddagen den 21. juli 2025 skulle med Metroen. Han var træt efter dagen rundt i byen og er vant til fra Frankrig, at der er betalingsbarrierer, inden man kan stige ombord på Metroen. Derfor glemte han at købe billet inden påstigning.

Ved den efterfølgende kontrol blev han pålagt en kontrolafgift på 750 kr. for at mangle billet.

Dette klagede han over efterfølgende til Metro Service og gjorde gældende som gengivet ovenfor.

Metro Service fastholdt kontrolafgiften, da det er passagerens eget ansvar at have gyldig billet inden påstigning på Metroen. De skrev:

"I understand your request, because it is just a very unfortunate situation, but regrettably, we find no basis for a reduction or a cancellation of your inspection fee, as it was issued correctly.

Public transport in Denmark, is based on a self-service principle. For you, as a passenger, it means that you are solely responsible for ensuring that you have a valid ticket that can be presented at all times throughout your journey.

While I understand that adjusting to the public transport system of a new country can be a challenge, it is not possible for us to make exceptions to our national travel regulations based on the grounds that some passengers are unaccustomed to the system.

Please note, that we are obligated to enforce the Joint National Travel Regulations, and we cannot make exceptions. We are obliged to treat all passengers equally and in compliance with the Travel Regulations. This is the reason why we cannot take intention, previous travel history or any personal circumstances into consideration. It is solely a matter of the necessary travel document not being acquired in accordance with the Travel Regulations before boarding.

Considering the above, you will be charged the full amount of the inspection fee, which we request that you pay as soon as possible."

Derefter indbragte klageren sagen for ankenævnet, der har fået forelagt parternes korrespondance og alle øvrige dokumenter i sagen.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Det følger af selvbetjeningsprincippet for kollektiv transport i Danmark, at det er passagerens eget ansvar at sikre sig at være i besiddelse af gyldig rejsehjemmel inden påstigning. Det er skiltet på dørene ind til Metroen, at man skal have gyldig billet.

Klageren kunne ikke vise nogen rejsehjemmel ved kontrol, da han havde glemt at købe dette.

Kontrolafgiften blev dermed pålagt med rette, og da det ikke er en betingelse for at pålægge en kontrolafgift, at passageren bevidst har søgt at unddrage sig at betale for rejsen, finder ankenævnet, at der ikke har foreligget sådanne særlige omstændigheder, at kontrolafgiften skal frafaldes.

Den omstændighed, at klageren var træt og er vant til et andet billetsystem i Frankrig, samt at han før og efter kontrolafgiften købte billet, kan ikke føre til et andet resultat.

RETSGRUNDLAG:

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

” Following the rejection of my initial request dated 21 July 2025 by Metro Kundeservice (see attachment) I am submitting this appeal to kindly ask for a reconsideration of my case, based on a fair, case-by-case assessment. The appropriate appeal fee has been paid (see attachment).

I fully understand and respect the need for consistent enforcement of public transport rules. However, I believe that true fairness also requires the ability to consider individual circumstances which may differ from one situation to another.

As previously mentioned, while I was indeed unable to present a valid ticket during the metro inspection, this was not a deliberate attempt to evade fare, but the result of an honest and isolated mistake. At the end of a long and tiring day walking through the city, I simply forgot to purchase a ticket. Coming from France, I am used to systems with ticket barriers, which act as a physical and visual reminder — a feature the Danish metro system does not have.

After and until the time of the inspection on 21 July 2025 at 4:06 pm I had systematically purchased tickets, as shown in the attached documentation (see attachment). I hope this provides clear evidence of my good faith and usual compliance.

I hold great respect for the rule of law and public regulations, and I sincerely regret this unintentional oversight. I am a respectful traveler and law-abiding citizen, and I would never consciously try to avoid paying for public transport.

For all these reasons, I respectfully ask the Appeals Board to reconsider the inspection fee in light of my individual situation. I trust that fairness must include the possibility of acknowledging exceptional, goodfaith

mistakes like mine, and not rely solely on standardized responses.”

Og videre

“Thank you for forwarding the reply from Metro Service and for your clear information regarding the general outcome of similar cases. I fully respect the consistency with which the Joint National Travel Regulations are normally applied. Nevertheless, I would like to maintain my appeal and submit the following comments for the Board’s consideration.

I fully acknowledge that I was unable to present a valid ticket at the time of inspection. However, I respectfully contend that my case merits individual assessment for the following reasons:

1. **Good faith and consistent compliance** – The documentation I submitted shows that I had systematically purchased tickets before and after the incident in question, including earlier the same day. This demonstrates that I was a paying passenger and had no intention of fare evasion. The absence of a ticket on that particular journey was an isolated lapse, not a pattern of behavior.
2. **Tourist unfamiliarity with the system** – Unlike in my home country (France), the Copenhagen Metro has no access barriers. While this system is efficient, it removes the physical and visual reminders that serve as safeguards against unintentional mistakes for visitors. As a tourist, I inadvertently fell into this gap. I believe fairness requires that such context at least be taken into account, even under a self-service principle.
3. **Principle of proportionality** – While I understand the importance of enforcing travel regulations, I respectfully submit that applying the maximum sanction without regard to circumstances risks being disproportionate when the evidence points to genuine good faith. The sanction in this case does not serve a deterrent function (as there was no intent to evade), but instead punishes an honest traveler for a one-off mistake.
4. **Purpose of the Appeals process** – The very existence of an Appeals Board implies that exceptions and individual circumstances can and should be considered. Otherwise, the appeal process would have no substantive role beyond automatic confirmation of the operator’s position. I therefore trust that the Board will assess whether my situation falls within the narrow category of exceptional cases that merit leniency.

I remain respectful of the Danish public transport system and its regulations, and I sincerely regret the oversight that led to this situation. My sole aim is to ask that my good faith and individual circumstances be duly recognized in your deliberations.

For these reasons, I kindly ask the Board to reconsider the inspection fee and to allow my appeal to proceed.”

Indklagede anfører følgende:

“ The complainant received an inspection fee July 21st, 2025, at 4:06pm, as he could not present a valid ticket or travel document.

The metro – like other public transport in the Capital Region (and in the rest of Denmark in general) – operates on a self-service system, where it is the passenger's own responsibility, before boarding, to secure a valid ticket or card for the entire journey, and to be able to present a valid travel document upon request. When using public transport, rules and guidelines apply, as stated in the Joint National Travel Regulations applicable at all times, which are available on the. In cases where a valid travel document cannot be presented upon request, it must therefore be accepted to have to pay an inspection fee, which for an adult amount to DKK 750.

From the Joint National Travel Regulations it is among others stated:

2.3. Purchase of travel documents

To be able to travel by train, bus metro and light rail, the customer must be in possession of a valid travel document.

2.4. Use of travel document

Public transport in Denmark is an open system with widespread self-service, and it is therefore always the customer's own responsibility to have a valid travel document upon boarding, including ensuring that the Rejsekort has been checked in correctly. When receiving the travel document, the customer must make sure that the ticket is in accordance with the desired requirements.

2.7.1. Validity of travel documents

Customers who do not, when requested, present valid travel documents, including having checked in correctly on Rejsekort for their travel, must pay an inspection fee. This also applies if the customer has purchased a travel document via a mobile device that cannot be inspected, for example if it has run out of power or is broken.

The Joint National Travel Regulations in full can be found [here](#).

We fully understand that it is a very unfortunate situation that the complainant has found himself in, but since we want to treat all our customers equally and in accordance with the Joint National Travel Regulations, we do not consider whether the act was done in good or bad faith, whether it is the first time the customer has received an inspection fee or whether it is a child, a student, a pensioner, a tourist etc. - we only consider that it is the passenger's responsibility - before boarding - to be in possession of a valid ticket or travel document.

The fact that the complainant has sent documentation for a purchased ticket the day before, earlier the same day and the day after does not change the above.

Based on the above, we therefore consider the inspection fee to be correctly issued and subsequently correctly upheld during the case processing in customer service, as the complainant was unable to present a valid travel document at the inspector's request and thus did not have a valid travel document upon boarding, as required, cf. 2.4 of the Joint National Travel Regulations.

Due to the above, we maintain our claim of DKK 750."

På ankenævnets vegne



Lone Bach Nielsen
Nævnetsformand