

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

Journalnummer:	25-0450
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 check ind i Rejsekort-appen
Parternes krav:	Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at hun checkede ind i Rejsekort-appen inden påstigning, men at indcheckningen i appen var forsvundet ved billetkontrollen 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 22. april 2026 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.

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, som er bosiddende i Frankrig, skulle den 18. oktober 2025 rejse med Metroen fra Femøren st. i retning mod Vanløse st.

Ifølge klageren ønskede hun at benytte Rejsekort-appen som betaling for rejsen, og checkede derfor ind i appen inden påstigning ved Femøren st.

Imidlertid kom der billetkontrol i Metroen ved Amagerbro st., og da klageren fremviste sin Rejsekort-app, var der ikke et aktivt check ind i appen. Derpå blev klageren pålagt en kontrolafgift på 750 kr. kl. 10:01:43.

Den elektroniske kontrolafgift:

```
<FeeDate>2025-10-18T10:01:43.6630000</FeeDate>
<Line>M1/M2</Line>
<StationFrom>Amagerbro</StationFrom>
<StationTo>Christianshavn</StationTo>
<Adult>>true</Adult>
<Child>>false</Child>
<NumberOfBikes>0</NumberOfBikes>
<NumberOfDogs>0</NumberOfDogs>
<Cause>Intet forevist</Cause>
<UnequalZones>>false</UnequalZones>
<PaidCash>>false</PaidCash>
<Amount>750</Amount>
<OtherText>pax mener har checket ind, modtog ikke slip' pax klager muligvis
</OtherText>
```

Foto taget af kontrolløren under billetkontrollen:



Klageren anmodede samme dag Metro Service om at annullere kontrolafgiften, og begrundede dette med, at hun havde checket ind i appen inden påstigning, men at skærmen på hendes telefon havde været helt blank, da hun skulle fremvise den til kontrolløren. Hun oplyste, at kontrolløren bad hende lukke appen ned og genstarte den, hvorefter kontrolløren tog et foto af hendes skærm.

Metro Service fastholdt kontrolafgiften den 28. oktober 2025 med den begrundelse, at de havde fået sagen undersøgt hos Rejsekort A/S, som kunne oplyse, at der ikke var registreret hverken check ind eller forsøg på check ind i klagerens Rejsekort-app den 18. oktober 2025 omkring tidspunktet for klagerens påstigning.

Derpå indbragte klageren sagen for ankenævnet, hvor hun anførte som ovenfor, at der måtte være tale om en teknisk fejl i appen, da hun havde checket ind inden påstigning.

Metro Service har fremlagt svaret fra Rejsekort A/S, hvor det fremgår, at der samme dag er registreret en såkaldt nulrejse (check ind og efterfølgende hurtigt check ud og dermed ingen betaling), men denne registrering er foretaget kl. 10:22, hvilket er efter tidspunktet for kontrolafgiftens udstedelse:

Kunden har ingen aktivitet der passer med tidspunktet. Der er dog senere en nulrejse:		
19/10/2025	14:12	Femøren St. (Metro)
	14:12	-
18/10/2025	13:20	Vestamager St. (Metro)
	13:40	Femøren St. (Metro)
18/10/2025	10:22	Christianshavn St. (Metro)
	10:22	-
17/10/2025	16:35	Amagerbro St. (Metro)
	16:42	Femøren St. (Metro)

På den (senere) nulrejse checker kunden selv ud efter 5 sekunder.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Ankenævnet lægger efter de foreliggende oplysninger til grund, at klageren ved billetkontrol i Metroen ved Amagerbro st. kl. 10:01:43 ikke kunne fremvise gyldig rejsehjemmel, idet der ikke var registreret et aktivt check ind i klagerens Rejsekort-app.

Det følger af de fælles landsdækkende rejseregler, at passageren skal være i besiddelse af gyldig rejsehjemmel inden påstigning. Ved brug af Rejsekort-appen indebærer dette, at check ind skal være gennemført og registreret i appen før rejsens begyndelse.

Ankenævnet bemærker, at det er passagerens eget ansvar at sikre sig, at check ind er gennemført korrekt.

Rejsekort A/S har i forbindelse med sagens behandling oplyst, at der den 18. oktober 2025 omkring tidspunktet for klagerens påstigning ikke er registreret hverken et check ind eller et forsøg på check ind i klagerens Rejsekort-app. Der er samme dag registreret en såkaldt nulrejse kl. 10:22, hvilket er efter tidspunktet for kontrolafgiftens udstedelse.

Ankenævnet finder på den baggrund ikke grundlag for at lægge til grund, at klageren havde gennemført et check ind i Rejsekort-appen inden påstigning.

Det forhold, at klageren har anført, at der må have været tale om en teknisk fejl i appen, kan ikke føre til et andet resultat. Ankenævnet har herved lagt vægt på, at der ikke foreligger oplysninger om systemfejl, samt at der ifølge de fremlagte oplysninger ikke er registreret check ind eller forsøg herpå.

Herefter blev kontrolafgiften på 750 kr. til klageren pålagt med rette.

Da pligten til at betale kontrolafgift ikke er betinget af, om passageren bevidst har forsøgt at unddrage sig betaling, finder ankenævnet, at der ikke har foreligget sådanne særlige omstændigheder, at kontrolafgiften skal frafaldes.

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 trafikselskaber 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 received inspection fee 01407664 on October 18, 2025 at Amagerbro station on the M2 metro. I had checked in at Femøren station using the Rejsekort app before boarding, but when the inspector asked to see my ticket, the app screen was blank. The inspector told me to close and reopen the app, and when I did, it showed no check-in. I believe this was a technical problem with the app, not my fault. My account history (Y9X5D7X9) shows I check in every single time I travel - I had been checking in every day for two weeks before this happened and continue to do so. I showed the inspector my history at the time. Metro Service has refused to cancel the fee, saying no check-in was registered in their system, but I did check in and the app malfunctioned.

I want the inspection fee of 01407664 to be cancelled. I followed all the rules and checked in properly before boarding. I should not have to pay a fine because their app had a technical failure. This is especially unfair since my usage history proves I always check in, even for one-station journeys."

Indklagede anfører følgende:

"Firstly, like all other public transport in the Greater Copenhagen area, the Metro operates as a self-service system, where it is the passenger's responsibility to ensure they are in possession of valid travel document that can be presented upon request before boarding any mode of transportation. In cases where a valid travel document has not been obtained before boarding, an inspection fee must be accepted, which for an adult on the Metro amounts to DKK 750.

This fundamental rule is a prerequisite for the extensive self-service system that applies to travel by public transport in the Greater Copenhagen area. These rules are also outlined in the Joint National Travel Regulations, which can be read in full here: www.rejsekort.dk/-/media/dms/flr/2025/Joint-National-Travel-Regulation-01012025.ashx . Furthermore, there are information boards and signs on all Metro stations informing passengers that a valid ticket must be in their possession prior to boarding.

In this case, the complainant was met with ticket inspection October 18, 2025, at 10:01am following departure from Amagerbro station heading towards Christianshavn station.

The complainant had Rejsekort App installed on her smart phone. However, the complainant had not swiped (checked) into the app and since she did not have any other form of valid travel document, she was issued an inspection fee in accordance with applicable regulations.

The steward took a photo of what the complainant was showing. See below:



According to The Joint National Travel Regulations, it is always the passenger's responsibility to have valid ticket, including ensuring that they have checked in/swiped into a given app before starting the journey.

See below for excerpts relevant to this situation from the Joint National Travel Regulations:

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.

With the purchase of mobile products, the terms and conditions for each product are accepted. The applicable terms and conditions are set out on the individual companies' websites (see section 17).

2.4.2. Concerning the use of mobile products in particular (delivered via text message or app)

It is the customer's own responsibility to ensure that the travel document has been received on the mobile device before boarding. It is not sufficient that the order has been commenced.

In the 'Supplement to Joint National Travel Regulations Rejsekort as app', which can be read in full here: [Supplement to Joint National Travel Regulations](#), it is further stated that:

2.4 Use of travel document

It is the customer's responsibility to ensure that Rejsekort as an app is checked in (check-in occurs in the app by swiping the green start button to the right) before boarding.

2.4.4. Use of Rejsekort as an app

Rejsekort as an app can be used as a travel document except on Bornholm and smaller islands. See journeys at www.rejseplanen.dk.

Rejsekort as an app must be checked in (According to the overview of validation rules below) before the start of the journey and checked out after the end of the journey. There is no need to perform a change check-in if switching to another mode of transport during the journey.

If you check out and check in again later to continue your journey, it will be charged as separate trips.

In her inquiry to Metro, the complainant explained that she *had* swiped/checked into the app, that there must have been a technical error, and that she always pays for her trips on public transport, even for one-stop journeys, and included screenshots of her travel history.

Metro sent the complainant's explanation to Rejsekort App's back office (Fairtiq) and asked them to investigate the complainant's claim.

Rejsekort replied that there was no activity on the complainant's profile at the time of the ticket control (which took place at 10:01 am), but that the complainant later made a later zero-journey by swiping in and out again after just 5 seconds.

Both Metro's inquiry and Rejsekort's response are attached as pdf files.

For the sake of understanding the concept of a 'Zero-Journey', we can briefly explain that a passenger can cancel a check-in/swipe-in by swiping out again as long as the passenger is in the same location and has not started the journey.

No technical errors occurred on the day and time of the complainant's trip.

Although we understand the complainant's frustration, we must, with reference to the response from the Rejsekort back office, conclude that in this case there is an error or oversight on the part of the complainant and we therefore maintain that the fee was rightly imposed and that the subsequent decision in the Customer Service Department is also correct.

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

Til dette har klageren anført:

"I must respectfully disagree with your conclusion, as it misrepresents what occurred during the inspection.

What actually happened:

- I checked into the Rejsekort App before boarding at Amagerbro station
-
- When the controller asked to see my ticket at 10:01am, my phone screen was blank - the app was not displaying anything
-
- The controller instructed me to close and reopen the app
-
- Upon reopening, the app showed the homepage as if no journey was active (this is the screenshot in your response)
-
- The controller then took the photo you reference

The critical issue with your evidence: The photo your controller took was taken after he told me to close and reopen the app, not of my original blank screen. This explains why it shows no active journey - because the app had been restarted per his instruction. The photo therefore does not prove I failed to check in; it only shows what the app displayed after being restarted.

My travel history demonstrates I consistently pay for all journeys, including single stops. I have no reason to avoid paying 24 DKK for a legitimate trip only to face a 750 DKK fine.

I would be grateful if you could contact the specific controller involved to confirm that he instructed me to restart the app, and that the photo was taken after this restart, not before.

Given these circumstances, I maintain that this was a technical error from the app, not passenger negligence, and respectfully request the fine be withdrawn."

Til dette har indklagede anført:

"We have closely read complainant's further comments; however, these do not change our decision, and we maintain our claim of 750 DKK.

Our stewards perform hundreds of ticket checks every single day and it is not possible for the steward to remember a completely ordinary ticket check situation that is more than a few days ago.

However, when we look at the timestamps on the electronic inspection fee, we can see that the ticket inspection was initiated at 10:01:43 and that the steward uploaded the inspection fee at 10:26:14, and thus the complainant's explanation that the photo the steward took of her phone was only taken after reopening the app may very well be correct.

However, it makes no difference in the specific case, and we refer to our explanation in the case response of 26 January which we have included below for convenience.

Metro sent the complainant's explanation to Rejsekort App's back office (Fairtiq) and asked them to investigate the complainant's claim.

Rejsekort replied that there was no activity on the complainant's profile at the time of the ticket control (which took place at 10:01 am), but that the complainant later made a later zero-journey by swiping in and out again after just 5 seconds.

If the complainant had swiped into the app before boarding, the check-in would have been visible in the back office regardless of what happened afterwards, whether the phone ran out of power, lost network connection, etc.”

På ankenævnets vegne



Lone Bach Nielsen
Nævnensformand