

## AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

<b>Journalnummer:</b>	2022-0118
<b>Klageren:</b>	XX Florida, USA
<b>Indklagede: CVR-nummer:</b>	Metroselskabet I/S v/Metro Service A/S 21 26 38 34
<b>Klagen vedrører:</b>	Kontrolafgift på 750 kr. grundet manglende zone på mobilbillet
<b>Parternes krav:</b>	Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at zonesystemet er svært at forstå, at DOT-appen ikke er brugervenlig for turister, samt at kontrollører i Movias bus anbefalede hende at fortsætte med Metroen  Indklagede fastholder kontrolafgiften
<b>Ankenævnets sammensætning:</b>	Nævnensformand, landsdommer Tine Vuust Rolf Olsen Torben Steenberg Helle Berg Johansen Anna Langskov Lorentzen

Ankenævnet for Bus, Tog og Metro har på sit møde den 1. november 2022 truffet følgende

### **AFGØRELSE:**

Metroselskabet I/S v/Metro Service A/S er berettiget til at opretholde kravet om betaling af kontrolafgiften på 750 kr.

Beløbet skal betales 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.

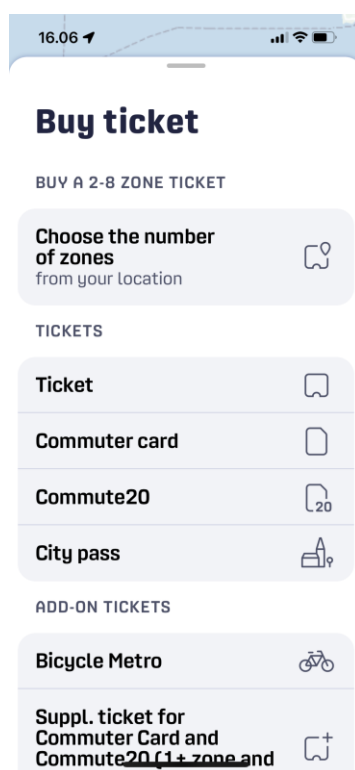
Klageren henvises til at søge yderligere oplysning om eventuel bistand i forbindelse med sagsanlæg fx på [www.domstol.dk](http://www.domstol.dk), [www.advokatnoeglen.dk](http://www.advokatnoeglen.dk) og /eller eget forsikringselskab om eventuel forsikringsretshjælp.

## SAGENS OMSTÆNDIGHEDER:

Klageren, som er engelsktalende og bosat i USA, var kommet til Danmark for at være gæsteprofessor på DTU i Kongens Lyngby. Den 2. juni 2022 skulle hun fra DTU til en restaurant nær Islands Brygge og planlagde at rejse med Movias buslinje 150S til Nørreport st. og derfra videre med Metroen til Islands Brygge st. samt at købe billet i DOT-appen, som hun ifølge det oplyste var begyndt at bruge dagen forinden.

I DOT-appen kan man købe billet enten ved at indtaste fra- og til-destinationerne eller – hvis man har slået lokalitet (GPS) til i appen – ved at indtaste det ønskede antal zoner fra startlokaliteten.

Skærmbillede fra DOT-appen, som den ser ud i den engelsksprogede version, når man åbner appen for at købe en billet:



Klageren havde slået lokalitetsfunktionen til for DOT-appen, og af en studerende fik hun at vide, at hun skulle bruge 4 zoner til rejsen. Mens hun befandt sig i zone 51, købte hun en 4-zoners billet i DOT-appen ved at benytte funktionen "Chose the number of zones from your location":

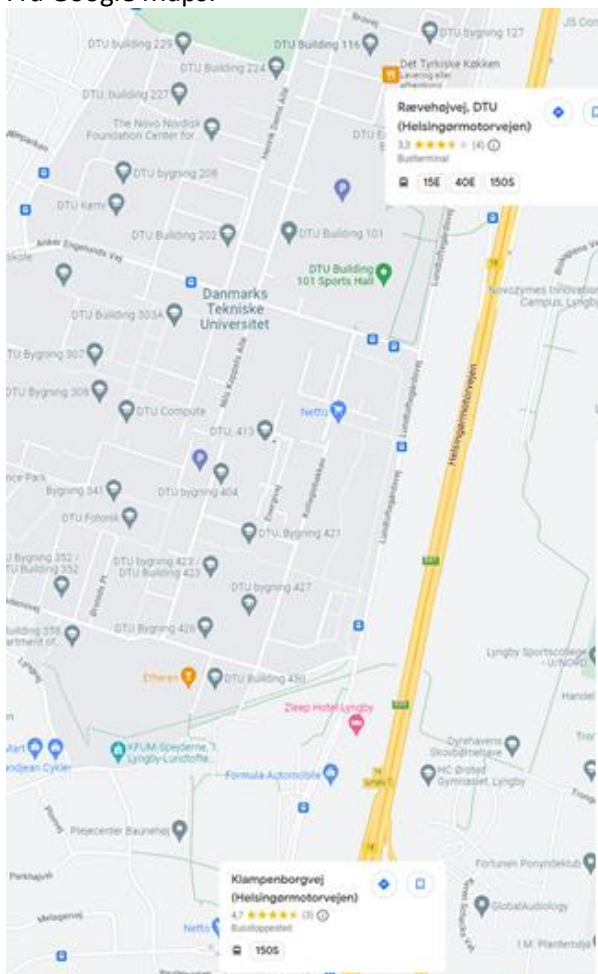
Log fra Back Office vedrørende klagerens mobilbilletkøb i DOT-appen:

<b>STAMKORTNUMMER:</b> IKKE OPLYST	<b>SLUTZONE:</b> IKKE OPLYST
<b>BILLETNUMMER:</b> <input type="text"/>	<b>ANTAL GYLDIGE ZONER:</b> 30
<b>VARENUMMER:</b> 20	<b>GYLDIGE ZONER:</b> 1002, 1030, 1031, 1032, 1040, 1041, 1042, 1043, 1050, 1051, 1052, 1053, 1054, 1060, 1061, 1062, 1063, 1064, 1065, 1070, 1071, 1072, 1073, 1074, 1080, 1081, 1082, 1083, 1084, 1085
<b>BILLETSTATUS:</b> Udløbet	<b>SØGNING FRA:</b> Min lokation (51)
<b>BILLET GYLDIG FRA:</b> 02 Jun 2022 - 15:43:36	<b>SØGNING TIL:</b> 4 zoner
<b>BILLET GYLDIG TIL:</b> 02 Jun 2022 - 17:28:36	<b>SØGEMETODE:</b> Hurtig køb
<b>PRIS:</b> 48,00 kr.	
<b>PASSAGERTYPE:</b> Voksen	

Metro Service har på forespørgsel fra sekretariatet oplyst, at der ikke er gemt GPS-kordinater i Back Office, hvorfor det ikke er muligt at fastslå præcis, hvor klageren befandt sig, da hun købte billetten, men kun at hun befandt sig i zone 51, som det fremgår af ovenstående log.

DTU spreder sig over et stort område og ligger mellem stoppestederne "Rævehøjvej, DTU" i zone 51 og "Klampenborgvej" i zone 41.

Fra Google Maps:

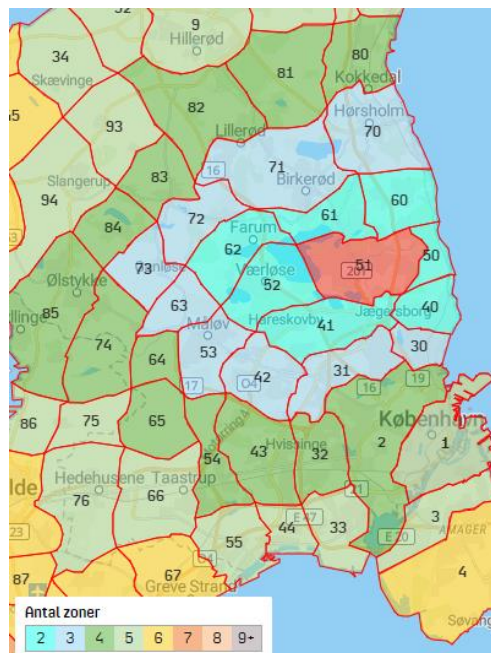


Uddrag af stoppestedsoversigt for buslinje 150S:

Rute	Zone	Stoppesteder
<b>Helsingormotorvejen</b>	<b>60</b>	GL. Holte, Øverødvej
	<b>51</b>	Nærum St. Lundtofteparken Rævehøjvej, DTU
	<b>41</b>	Klampenborgvej
<b>Lyngbyvej</b>	<b>30</b>	Brogårdsvej Kildegårds Plads Tuborgvej Ryparken St.
	<b>2</b>	Hans Knudsens Plads Haraldsgade Vibenshus Runddel St.
<b>Norre Allé</b>		Universitetsparken
<b>Tagensvej Fredensgade Sølgade Norre Voldgade</b>	<b>1</b>	Norre Campus Rigshospitalet Syd Sølvtorvet Nørreport St.

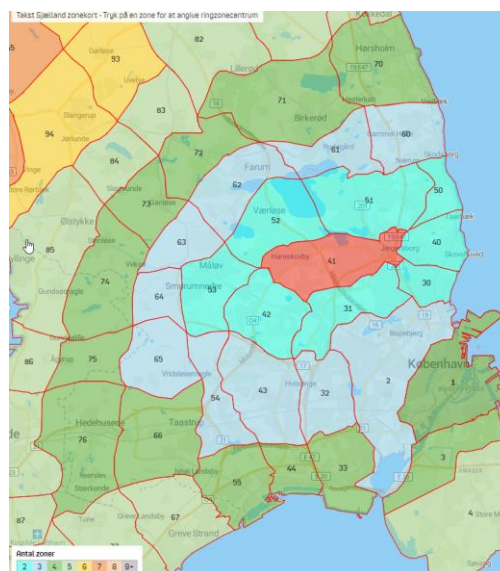
For at rejse fra zone 51 til Islands Brygge st., som ligger i zone 01, kræves en 5-zoners billet.

Zone oversigt fra zone 51:



Klageren har oplyst under sagens behandling i ankenævnet, at hun steg på buslinje 150S ved stoppestedet, Klampenborgvej. Dette stoppested ligger i zone 41 og grænser op til zone 51. For at rejse fra zone 41 til Islands Brygge st. i zone 01, kræves en 4-zoners billet.

Zone oversigt fra zone 41:



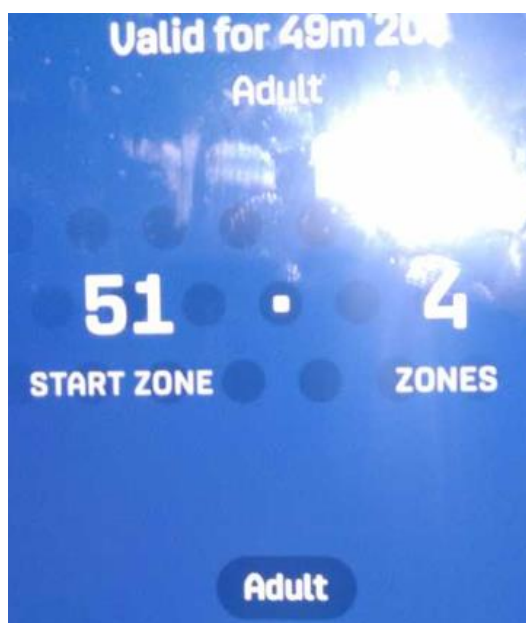
Hvis klageren derfor havde købt sin 4-zoners billet fra zone 41, hvor hun rent faktisk steg på bussen, ville hun have haft gyldig rejsehjemmel til sin slutdestination, Islands Brygge st.

Klageren har forklaret, at hun var i den tro, at hun havde købt den rette billet til turen, da hun ca. kl. 16 steg på buslinje 150 S ved Klampenborgvej. Ombord på bussen blev hun omkring kl. 16:30

– 16:40 mødt af kontrollører, som fortalte hende, at hun manglede en zone på sin billet for at rejse til Nørreport st. og videre til Islands Brygge st. Hun har videre forklaret, at hun bad om hjælp til at købe en ekstra zone til sin billet, hvilket kontrollørerne imidlertid ikke kunne hjælpe med, og ifølge klageren anbefalede de derfor, at hun rejste videre på billetten og forklarede situationen, hvis hun blev kontrolleret igen, hvorfor hun på Nørreport st. i zone 01 steg om til Metroen og rejste videre mod Islands Brygge st. på den samme billet.

Efter Metroen havde forladt Nørreport st. i zone 01, var der kontrol, og klageren blev herefter pålagt en kontrolafgift på 750 kr., fordi hendes mobilbillet i DOT-appen ikke var gyldig til zone 01.

Foto fra stewardsens PDA af klagerens billet:



På den elektroniske kontrolafgift har stewarden noteret følgende:

"  
<OtherText>Pax fortæller hun har snakket med en buschauffør som siger hun bare skulle tage afsted.</OtherText>  
"

Metro Service har i sit første svar til ankenævnet den 13. juni 2022 oplyst, at der i henhold til oplysninger fra Movia ikke var kontrollører på arbejde i linje 150S den 2. juni 2022, men den 11. juli 2022 har Metro Service efter en fornyet høring hos Movia oplyst, at Movia har bekræftet klagerens oplysning om, at der var kontrollører ombord på den bus, som hun rejste med. Imidlertid har klagerens oplysninger om, hvad der blev sagt i kontrolsituationen, ikke kunnet af- eller bekræftes, da den ene kontrollør ikke kunne huske situationen, og da det ikke var muligt at høre den anden kontrollør om det passerede.

Metro Service har oplyst, at man ikke kan købe en tillægsbillet til en zonebillet, idet tillægsbilletter kun kan købes til pendlerprodukter, og at Movias kontrollører ifølge oplysninger fra Movia alle har gennemgået et kursus om regler og zoner, samt at Movia på denne baggrund finder det usandsynligt, at en af deres kontrollører skulle have foreslået klageren at rejse videre med Metroen uden at have gyldig billet.

Den 3. juni 2022 anmodede klageren Metro Service om at frafalde kontrolafgiften med den begrundelse, at zonesystemet var helt ukendt for hende, og at det ikke var hendes intention at købe en zone for lidt, og som ovenfor, at hun havde fået oplyst, at hun skulle bruge 4 zoner, at kontrollørerne i Movias bus ikke kunne hjælpe hende med at tilføje en ekstra zone til billetten, men havde sagt, at hun bare skulle fortsætte rejsen og forklare situationen.

Metro Service fastholdt samme dag kontrolafgiften med henvisning til selvbetjeningsystemet og til, at klageren i DOT-appen kunne have benyttet funktionen, hvor man indtaster fra- og til-destinationerne, samt at hun kunne have orienteret sig på et zonekort på Metrostationen eller have benyttet det gule opkaldspunkt, og anførte videre, at Movia og Metro Service er to forskellige trafikvirksomheder, hvorfor den information, hun måtte have modtaget af Movias kontrollører, ikke kunne medtages i Metro Services bedømmelse af sagen.

### SEKRETARIATETS BEHANDLING:

Da klageren har oplyst, at hun steg på Movias buslinje 150S ved Klampenborgvej, som ligger i zone 41, og hvorfra det ville have været korrekt at købe en 4-zoners billet, har sekretariatet bedt Metro Service om at indsende købshistorikken for klagerens billetkøb i DOT-appen og om at oplyse klagerens GPS-position ved købet, samt om at oplyse om et GPS-problem kan have været årsag til, at hun fik en billet fra zone 51 i stedet for fra zone 41, da stoppestedet Klampenborgvej i zone 41 grænser lige op til zone 51.

Metro Service har hertil svaret:

”Vi skal pointere, at når der anskaffes mobilbillet via GPS-søgning, er det ikke den endelige påstigningszone, der er afgørende for ”Fra zone” (hvor billetten er gyldig fra), men derimod hvor kunden befinder sig på købstidspunktet (GPS-placeringen). Når en billet anskaffes, som i klagerens tilfælde hvor GPS placeringen benyttes, udstedes billetten således altid i den zone, kunden befinder på tidspunktet for købet.

Det er således vores vurdering, at kunden må have købt sin mobilbillet, mens hun stadig befandt sig i zone 51 (måske var det på eller på vejen fra DTU, som hun anførte i sin oprindelige henvendelse), at billetten blev købt.

... here, so I asked one of the graduate students how to purchase a ticket from DTU to a restaurant called Alouette. I was told to buy a zone ticket. On the way from DTU to Nørreøst St. on

Udklip fra bus 150S' zoneoversigt:

Helsingørmotorvejen	60	Gl. Holte, Øverødvej
	51	Nærum St. Lundtofteparken Rævehøjvej, DTU
	41	Klampenborgvej
Lyngbyvej	30	Brogårdsvej Kildegårds Plads

Hvis kunden havde været i zone 41, ville dette naturligvis have været udstedelseszonen, og måtte hun have været ”midt i mellem” zone 41 og 51, ville billetten være udstedt som en delezone (se nedenfor).

**2 zones**

Fra Min Lokation (41/51)

ANTAL ZONER

**2** 3 4 5 6 7 8

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**1** **Adult** 24,00 DKK - +

**0** **Child** 12,00 DKK +

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**0** **Bicycle ticket** 14,00 DKK +

**0** **DSB 1' Regional Trains** 40,00 DKK +

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**I accept the terms and conditions**

**Buy ticket**  
24,00 DKK

Vi har været i kontakt med Netcompany som henviser til "Søgning fra" i Back Office under selve billetten:

<b>STAMKORTNUMMER:</b> IKKE OPLYST	<b>SLUTZONE:</b> IKKE OPLYST
<b>BILLETNUMMER:</b> <input type="text"/>	<b>ANTAL GYLDIGE ZONER:</b> 30
<b>VARENUMMER:</b> 20	<b>GYLDIGE ZONER:</b> 1002, 1030, 1031, 1032, 1040, 1041, 1042, 1043, 1050, 1051, 1052, 1053, 1054, 1060, 1061, 1062, 1063, 1064, 1065, 1070, 1071, 1072, 1073, 1074, 1080, 1081, 1082, 1083, 1084, 1085
<b>BILLETSTATUS:</b> Udløbet	<b>SØGNING FRA:</b> <span style="border: 1px solid red; padding: 2px;">Min lokation (51)</span>
<b>BILLET GYLDIG FRA:</b> 02 Jun 2022 - 15:43:36	<b>SØGNING TIL:</b> 4 zoner
<b>BILLET GYLDIG TIL:</b> 02 Jun 2022 - 17:28:36	<b>SØGEMETODE:</b> Hurtig køb
<b>PRIS:</b> 48,00 kr.	
<b>PASSAGERTYPE:</b> Voksen	

Netcompany har kommenteret:

"Min location (51)" som jeg vil formode er korrekt.

det samme er sandt i købs objektet sendt fra appen.

```
"Tickets": [
  {
    "Passenger": "A",
    "Type": "Zone",
    "Journey": {
      "Type": "Zone",
      "StartZones": [
        1051
      ],
      "SearchMethodStart": "gps",
      "AmountOfZones": 4
    }
  }
],
```

Netcompany oplyser også, at der ikke er nogen GPS-kordinationer gemt i systemet.

På baggrund af ovenstående må vi fortsat fastholde, at kontrolafgiften er korrekt udstedt, idet klageren manglede en zone på tidspunktet for billetteringen."

### **ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:**

Klageren foreviste ved kontrollen i Metroen i zone 01 en 4-zoners mobilbillet, som hun havde købt fra zone 51. Da billetten derfor ikke inkluderede zone 01, var den ikke gyldig til rejse i denne zone.

Kontrolafgiften blev dermed pålagt med rette.

Ankenævnet bemærker, at klageren fik oplyst af kontrollører ombord på bussen, at hun ikke havde det rette antal zoner til at fortsætte rejsen.

Selv om klageren måtte have fået tilladelse af kontrollørerne til at forsætte sin rejse med bussen til Nørreport st., finder ankenævnet, at det ikke kan lægges til grund, som anført af klageren, at kontrollørerne gav hende tilladelse til at forsætte sin rejse med Metroen uden at have gyldig rejsehjemmel.

Henset til at klageren var vidende om, at hendes billet ikke var gyldig, finder ankenævnet, at hun på Nørreport st., hvor der findes betjent billetsalg, burde have søgt yderligere vejledning og skaffet sig gyldig rejsehjemmel, før hun forsatte rejsen med Metroen.

Ankenævnet finder det dog stærkt kritisabelt, at Metro Service i sit første svar til ankenævnet afgav forkerte oplysninger om, hvorvidt der var kontrollører om bord på bussen, og at Metro Service først en måned senere, den 11. juli 2022, hvor den ene kontrollør ikke kunne huske situationen,



og det ikke var muligt at høre den anden kontrollør om det passerede, bekræftede klagerens oplysninger om, at der var kontrollører om bord på den bus, som hun rejste med.

Ankenævnet bemærker afslutningsvis, at pligten til at betale kontrolafgift ikke er betinget af, om passageren bevidst har forsøgt at unddrage sig betaling for rejsen, og da dette er et område med mulighed for omgåelse af reglerne om at kunne forevise gyldig rejsehjemmel, finder vi, at manglende kendskab til det danske zonesystem ikke udgør sådanne særlige omstændigheder, at klageren kan fritages for kontrolafgiften.

## **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 trafikskaber 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 gælder også, hvis passageren har købt rejsehjemmel via en mobil enhed, der ikke kan kontrolleres, f.eks. hvis denne er løbet tør for strøm eller gået i stykker. Det er passagerens ansvar, at rejsehjemlen er endeligt modtaget på den mobile enhed før påstigning. 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. Rejsekortet må endvidere ikke være så slidt/tildækket, at navnet ikke kan læses.

## **PARTERNES ARGUMENTER OVER FOR ANKENÆVNET:**

### **Klageren anfører følgende:**

”As you can see from attached documents, I have briefly mentioned the entire event in the appeal letter and how I missed one zone by also comparing the zone map and my destination. Obviously it is an honest mistake. I am a visiting professor from Miami, where we don't have a good public transportation system

like yours. As a visitor unfamiliar with the DOT app and public transportation system in Denmark, I found out the DOT app and the system are not users or tourists friendly at all because the following reasons:

- (1) It is hard to understand the zone system and which zone the destination belongs to (see the screen shots in reference map.docx), especially for a tourist like me, I don't really know how to go to the restaurant, where is the close by station and which transportation I have to select;
- (2) The DOT app is difficult to use, for example, in the same day June 2 morning, I wanted to buy a ticket to DTU but it kept on giving me errors, I had to dismiss three times in order to buy one ticket. Unfortunately, my credit card got charged four times (good news is eventually I will receive the refund);
- (3) I have no idea the inspectors on 150S bus and on Metro are from different companies, for me, they all wear same black uniforms. The two inspectors on 150S bus were helpful and considerate at least, but they recommended me to take the Metro without giving me any paperwork about forgiving my missing one zone, which is so wrong. How can the inspectors forgave my honest mistake, don't let me to add one more zone because my ticket is still valid (the app has no such function?), and without giving a proof that they have checked my ticket/forgave the missing zone which put me into such an embarrassing situation?
- (4) The online Metro appeal system is not useful and considerate at all.

I don't know if this official complain will go anywhere...I am going through all these steps including wire transfer from US for a complain fee (it sounds like a joke!) and spent hours documenting my complains to just let you KNOW that I like Copenhagen; I think it is my responsibility to tell you the truth and point out the issues of your system, and hopefully someone can improve the DOT app (the current version is a tourist trap) and make your system more visitors/tourist friendly. In order to help other tourists like to who made honest mistake, PLEASE do issue a proof for the forgiveness in order to let next inspector(s) know about it."

### **Indklagede anfører følgende:**

"First of all, we are sorry to read that the complainant finds the DOT app not users or tourists friendly. That is not at all what we hear from other tourist visiting Copenhagen.

The complainant has received a fare evasion ticket on June 2<sup>nd</sup>, 2022, at 16:37 as she could not present a valid ticket upon inspection.

The fare evasion ticket was issued after the Metro had left Nørreport station and the complainant informed the inspector, that she was going to Islands Brygge station.

We must point out that the inspectors always inform the passengers that they are welcome to complain if he or she finds a fare evasion ticket issued unfairly. However, as the inspectors know nothing about the subsequent case processing, they will not be able to comment on an outcome in a given case.

The metro runs, like the other public transport in the Greater Copenhagen area, according to a self-service system, where it is the passenger's own responsibility before boarding, to secure a valid ticket or card, which can be presented on request.

In cases where a valid ticket or card cannot be presented upon request, it must be accepted to pay a control fee, which for an adult amount to DKK 750. This basic rule is a prerequisite for the self-service system that applies to travel by public transport in the Greater Copenhagen area and which is described in the Joint National Travel Regulations which can be seen [here](#).

The Joint National Travel Regulations states among other this:

### 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.

### 2.7.2. Fees

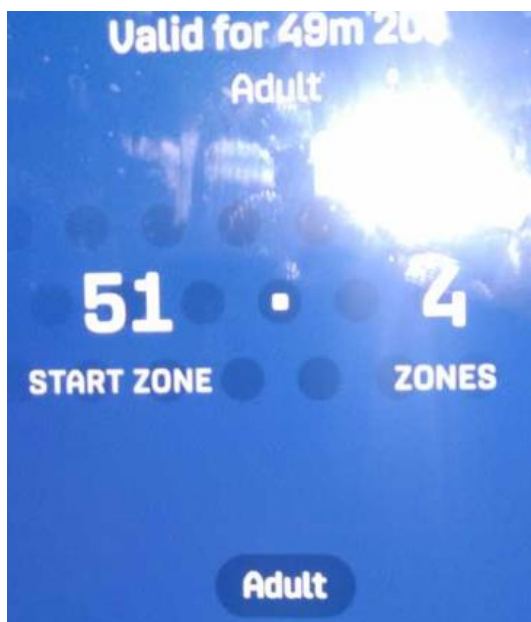
The inspection fee is DKK 750 for adults and young persons and DKK 375 for children and dogs. For bicycles, the fee is DKK 100.

When a tourist or new user of public transportation buy a ticket or card, he or she must familiarize themselves with the rules that applies to the product and make sure to have a valid ticket in case of inspection.

When using the app, there are 2 ways to get a correct ticket for a given journey

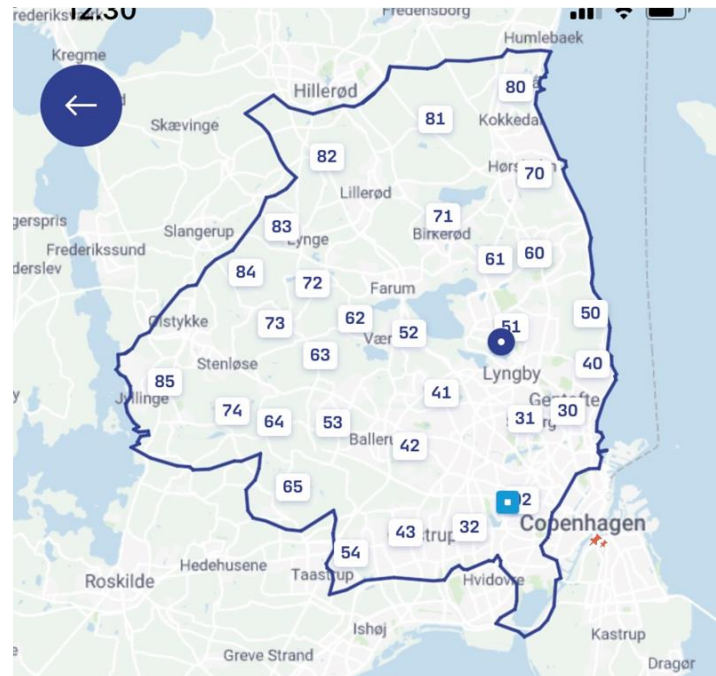
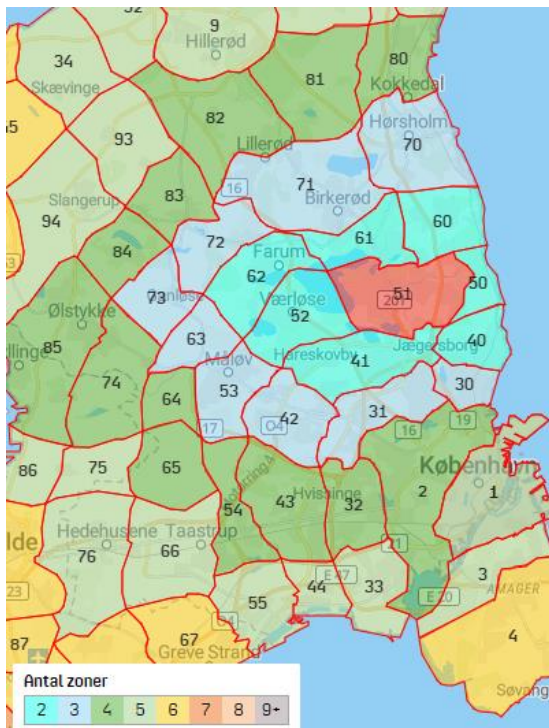
- 1) If the customer knows how many zones are needed for a given journey, he or she can choose the option "Buy a (amount) zone ticket"
- 2) If the customer on the other hand is not sure how many zones are needed, he or she can choose "Tickets" where the start destination can be written (if GPS is not activated), and following the destination/address to where the customer is heading

From the picture the steward took in the ticketing situation it is clearly to see that the complainant has bought a ticket starting in zone 51 and valid for 4 zones.



When buying a 4-zone ticket starting in zone 51 the customers are allowed to travel in 4 zone rings counting from the start zone. In this case the customer was allowed to travel as shown below til the left (going from red though turquoise and light blue to dark green).

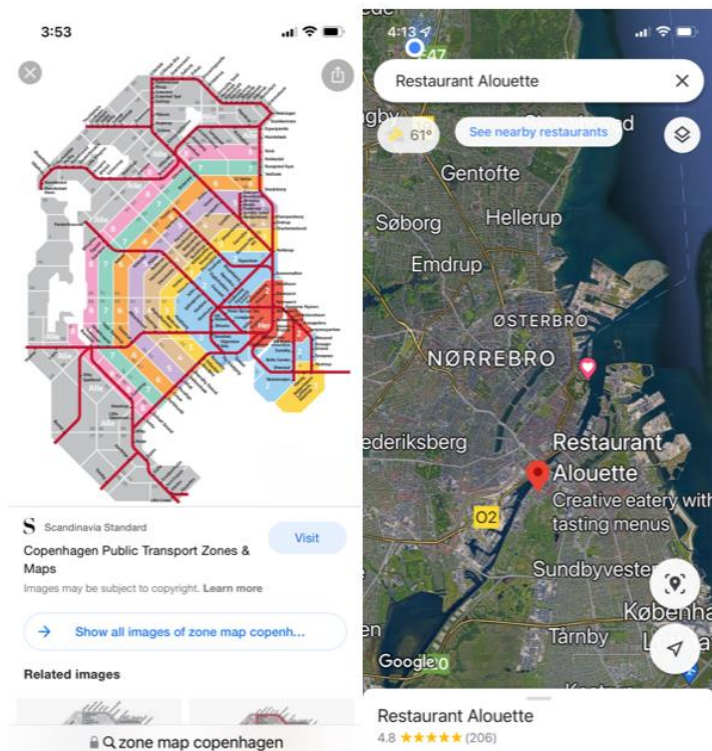
On the picture below to the right, we have marked the restaurant the complainant was going to with a large pin and the station the complainant went to with a little pin. It is clearly showed that both the restaurant and the metro station is outside the area the complainant's ticket was covering.



It is clearly shown that the complainant did not have a ticket covering zone 1 (light green). Both Nørreport station and the restaurant is located in zone 1.

When going to a foreigner country it is always recommended for tourists to familiarize themselves with rules and options for the country they are visiting.

With reference to the maps the complainant has attached her complaint:



.. we must inform, that the map to the left is when the customer finds him or herself in zone 1 – the complainant started her journey in zone 51.

A one-zone additional single ticket can only be used as supplement to a Commuter Pass. A customer must always buy minimum 2 zones.

The complainant writes in her complaint that inspectors in bus 150S told her, that she just could take the metro to her final destination, without saying that she had to buy a new ticket or without giving her a fare evasion ticket.

We have contacted Movia to try to verify this information, but the feedback from Movia was, that there have been no inspectors on job in bus 150S on June 2<sup>nd</sup>, 2022.

It must be stated that in connection with our case processing we do not relate to whether the customer have acted in good or bad faith, whether the passenger has previously received a fare evasion ticket or whether it may be a child, a student, senior or tourist. We want to treat all passengers equally and therefore relate solely to the fact that it is the passenger's responsibility – before boarding – to be in possession of and be able to present a valid ticket when ticketing.

Based on the above we find the fare evasion ticket correctly issued and maintained as the complainant has received a service that she had not paid for and uphold our claim of 750 DKK.

Finally, we must refer to earlier decisions made by the Appeal Board in similar cases where customers have bought one or more zones to few – <https://www.abtm.dk/afgorelser/?showcat=13182> – and where the decision has fallen out in favour of the transport company."

## Hertil har klageren bemærket:

“As I mentioned before, missing one zone was my honest mistake. I must comment on the statement- “there have been no inspectors on job in bus 150S on June 2<sup>nd</sup>, 2022” . My testimony about two inspectors on the bus is the true fact. If there is a homepage showing all the inspectors, I probably can point them (or at least one) out. The two inspectors were on that bus around 4:30-4:40pm. The one checked my ticket has black hair. I ride the bus from Klampenborgvej bus stop around 4:00pm to Norreport St, although it is very unlikely I was on a wrong bus, I am not sure if there is any other bus route through the same bus stop klampenborgvej and goes to exactly Norreport St. I hope you can check with Movia again if that is possible.”

## Hertil har indklagede bemærket:

“The complainants latest mail has been sent to Movia for new inquiry – and here Movia found out, that they had made an error searching for the bus and inspectors. This is why they found 2 inspectors who could have been the ones the complainant refers to.

Unfortunately, the one inspector in question do not recall a situation like the one described, and it has not been possible to get comments from the other inspector and it is unknown when that inspector will return and thus also whether the inspector will be able to remember the situation in question.

In the meantime, Movia finds it very strange, if in fact the complainant was met by the inspectors close to Nørreport, that the inspectors did not issue a fare evasion ticket if the complainant was meet in zone 1. The inspectors are instructed to issue a fare evasion ticket to everyone who cannot present a valid ticket upon inspection no matter what the reason might be.

If the complainant had asked for help to buy a valid ticket for the rest of her journey, Movia find it most unlikely that the inspectors would just have advised her to take the metro, instead of helping her to buy a new ticket.

All Movia’s inspectors have gone through a complete training course in tariff and zones – a course has been completed with a test which must be passed in order to be able to perform ticketing.

According to the Joint National Travel Regulations it is the customers responsibility to have a valid ticket upon boarding:

### 2.4. Purchase 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 Rejsekort has been checked in correctly. On receipt of a travel document, the customer must make sure that the single ticket is in accordance with requirements.

The customer can extend the journey by purchasing more zones/a new single ticket for the ordinary travel document. The purchase must be made while the ordinary travel document is still valid. The rules for purchase and use of a supplementary single ticket/new single ticket adhere to the general rules for purchase of travel documents.

In DOT, the customer can extend the journey by purchasing a one-zone additional single ticket for a Commuter Pass. If the customer is to travel further than one zone, or if the customer is using another travel document, the journey may be extended by purchasing a new single ticket.

And in our reply of June 13<sup>th</sup>, 2022, the consequences – according to the Joint Nation Travel Regulations - is stated.

As also earlier mentioned, it is of course a very unfortunate situation the complainant has ended up in but as also mentioned we do not take into consideration if a customer acted in good or bad faith, and we cannot be responsible for misinformation made by third person.

The fact is that the complainant did not have a valid ticket when met by inspection in the metro and due to this we still find the fare evasion ticket correctly issued, as the complainant has not paid for the ride, which is why we uphold our decision and maintain our claim.”

### **Hertil har klageren kommenteret:**

” I appreciate Movia's effort on finding the inspector, although As I addressed in my first email, I asked the inspector how to add one more zone on the DOT app, but it was not possible because the ticket was still valid at that moment and the inspector could not help me. That is why the inspector suggested me to continue my trip without adding one more zone. ”

### **Indklagede har afsluttende bemærket:**

” When using zone tickets (paper- or mobile tickets) it is not possible to buy 1 zone as extension to a zone ticket – whether or not this is what the Movia inspector has tried to explain to the complainant is not known.

An extension ticket can only be used in connection with a commuter card, either as an addition to an extra zone or as an addition for using the metro when having a commuter card without access to the metro. It is correct that the complainant only was in lack of 1 zone, as she had bought a 4-zone ticket but needed 5 zones for the journey from Lundtofte to restaurant Alouette, but as the complainant could not buy an extension ticket, a new 2-zone ticket was required when changing from bus to metro at Nørreport station.

On the homepage [Din Offentlige Transport](#) the information regarding **Extension ticket for single tickets and commuter cards** is clearly described. Movia has also informed us, that their inspectors have gone through a course regarding zones and rules, and they are therefore fully aware of this rule for single zone tickets. Due to this Movia cannot imagine that one of their inspectors should not have been aware of this nor that the inspector should have suggested the complainant to continue her trip with the metro without a valid ticket.

The inspector may have given the customer permission to complete her journey by bus, but not continuing her travel by metro to her destination.

When changing from the bus to metro the complainant had 2 options – either to seek assistance from one of the employees at Nørreport station or to make use of one of the yellow call-point, which are to be found in several places at all metro stations. When using one of these options, our staff in the control room or at the station could have advised the complainant what to do. We must here mention that Nørreport metro station is a manned station.

Unfortunately, we cannot take into account any misunderstanding of information from 1 or 2 third party as the metro like other transport in the Copenhagen area runs as a self-service system, where it is the passenger's own responsibility to secure a valid card or ticket which can be presented upon request.

Based on the information the inspector in the bus told the complainant, she must have been aware that she did not have a valid ticket for her journey to the restaurant if boarding the metro.

If a valid card or ticket cannot be presented in case of inspection it must be accepted that a fare evasion ticket is issued, which for an adult is 750 DKK.

At all metro stations information regarding the consequence for not having a valid ticket are to be found on information boards and on the platform screen doors are signs telling the customers not to board without a valid ticket and that the consequence if doing so is a fare evasion ticket of 750 DKK. All text on information boards and signs are in both in Danish and English.

According to the complainants' own replies she was well aware of that she did not have a valid ticket to show if meet by inspection in the metro.

It is of course a very unlucky situation the complainant has got herself into but when you, as a tourist or newcomer to the country, have to use for example public transport, you yourself are responsible for familiarizing yourself with the rules that apply in the country in question. We must refer to the [Joint National Travel Regulations](#) and the information at all metro station – all available in Danish and English.

As mentioned earlier we do not relate to whether the customer have acted in good or bad faith, whether the passenger has previously received a fare evasion ticket or whether it may be a child, a student, senior or tourist. We want to treat all passengers equally and therefore relate solely to the fact that it is the passenger's responsibility – before boarding – to be in possession of and be able to present a valid ticket when ticketing.

Based on the above we maintain that the control fee was correctly issued and subsequently maintained as the complainant has received a service, she had not paid for and due to this we maintain our claim of 750 DKK."

På ankenævnets vegne



Tine Vuust  
Nævnetsformand