

**AFGØRELSE FRA  
ANKENÆVNET FOR BUS, TOG OG METRO**

**Journalnummer:** 2015-0062

**Klageren:** XX og YY  
Thailand

**Indklagede:** Metroselskabet I/S v/Metro Service A/S  
**CVRnummer:** 21 26 38 34

**Klagen vedrører:** To Kontrolafgifter på 750 kr. for manglende stemping af klippekort.  
Klippekortsautomat ude af drift?

**Ankenævnets  
sammensætning:** Nævnformand, landsdommer Tine Vuust  
Bjarne Lindberg Bak  
Stefan Krehbiel  
Asta Ostrowski  
Torben Steenberg

**SAGSFREMSTILLING:**

**Klageren reklameret til indklagede:** Den 14. februar 2015.

**Klagegebyr modtaget i ankenævnet:** Den 10. marts 2015.

**Sagens omstændigheder:**

Klagerne, som er thailændere, rejste den 8. februar 2015 med metroen fra Femøren st. til Luft-  
havnen st.

På Femøren st. forsøgte de at stemple et klippekort hver, hvorefter de steg på metroen. Efter me-  
troen havde forladt Femøren st. var der kontrol af klageres rejsehjemmel, hvor de hver hen-  
holdsvis klokken 07.42 og klokken 07.53, blev pålagt en kontrolafgift på 750 kr. for manglende  
rejsehjemmel.

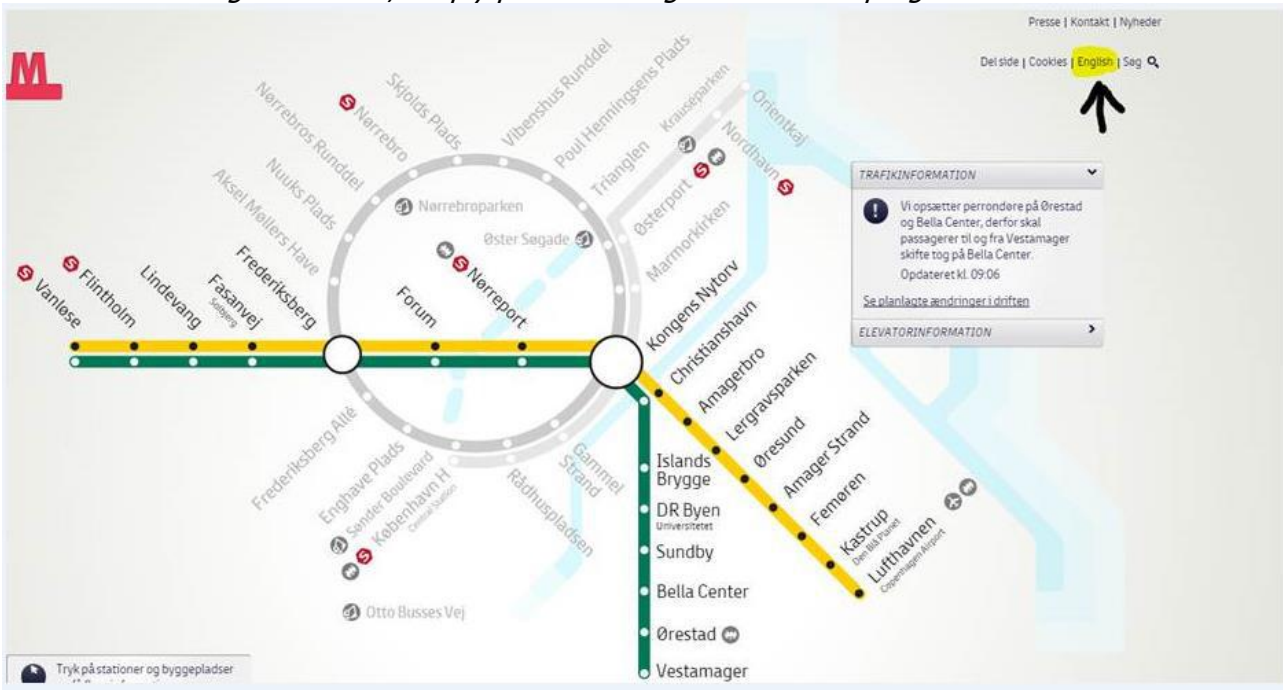
Som årsag til kontrolafgiftens udstedelse har stewarden noteret: "Udløbet rejsehjemmel".

Klagerne anmodede den 14. februar 2015 Metro Service om annullering af kontrolafgifterne og  
anførte til støtte følgende:

Hi. I could not find english version of this website then im not really sure if im writing in the correct place m-officer told me to do. I and my friend have 2 zoner ticket each travelling from fomerren to airport. We both in hurry put the ticket in t

Metro Service fastholdt den 17. februar 2015 kontrolafgiften med følgende begrundelse:

"Our website [www.m.dk](http://www.m.dk) is available in both Danish and English.  
To choose the English version, simply push the "English"-icon in top right corner of the front side:



*Like all other means of public transportation in the greater Copenhagen area, the Copenhagen Metro employs a self-service system where the passenger is responsible for being in possession of a valid ticket before boarding the train.*

*It is your responsibility to ensure that your ticket or clip card is correctly stamped and that it is valid for the entire journey, before entering the metro. Furthermore, you must be able to show the ticket or card in case of a ticket inspection.*

*It is always the responsibility of the passenger to make sure that the ticket has the correct zones for the entire journey. All of our ticket stamping machines, as well as our information boards, contains a map of the zones of the Copenhagen area, which can be used to calculate the necessary amount of zones.*

*The point of reference is the "red zone", which is the zone where the journey begins. From there, the amount of zone rings (colours), including the one that contains the destination, are counted and make up the amount of zones that the ticket needs to be valid for. A minimum of two zones is required per passenger.*

*Information regarding tickets, validity as well as the zone system is available in English at all stations.*

*Yellow call points can be found on all of our ticket vending machines as well as in several other places in every one of our stations. These call points can be used if the passenger requires assistance or guidance. The call point will connect the passenger directly to an operator in our control tower, which is manned 24 hours a day.*

*Considering the above, you will be charged the full amount of the fine, which we request that you pay as soon as possible and before: March 10th 2015"*

**Foto af klagerens klippekort:**



**PARTERNES KRAV OG BEGRUNDELSER OVER FOR ANKENÆVNET:**

**Klageren:** Ønsker kontrolafgiften annulleret og har til støtte herfor gjort følgende gældende:

"the situation as follow:

We both, I and my friend, have valid 2 zones ticket each, the long one for ten times using. The officer have took the pictures of both tickets. We were putting the ticket at yellow machine to get stamp more than 3-4 times and we thought we here the click and by looking at the stamp it seems done, the train is parking at femeron station then we in hurry jump in the train and the officer saw all the situation since we walk to yellow machine, put ticket in machine, run into the train. The officer walked by to check our tickets and they turned out to be not stamped. We also shock because we both have valid ticket and we both put them in the yellow machine to get stamp, not a single mean to cheat. If those machines work properly or well maintenance, they would have been stamped more than 3 stamps already. The officer took pictures of our tickets and also recommend us not to pay until we write down the explanation and got reply from [www.m.dk](http://www.m.dk) , he also mentioned that you both have valid ticket so there

should not be fined after we explained in the website.

I did write in the website and got reply email that we have to pay fine normally, not even mention the malfunction of these yellow machine. I do not agree and think that this is not the right thing to judge and punishment this case as same as cheating case such as travelling without ticket or travelling with expired ticket or travelling by just walk in the metro without putting the ticket in the machine to get stamp. We did all the process we supposed to do and the officer saw all those. I, like others, may just pay the fine and forget about this failed stamp machine, but it seems to be like I do accept cheating case that we did not do and we just look over the right thing. To go to the international bank here in Thailand and writing this complaint letter maybe bothering me and it may cause nothing but I decided to do because I really think it's not right to just let this pass that way. I somehow believe in impartiality of your country Then I would try and let see how this well educated country value it. I have been travelling many places only 10 years and never this kind of thing happened. Thanks for spending your time reading this long complaint.”

**Indklagede:** Fastholder kravet om betaling af kontrolafgiften og har til støtte gjort følgende gældende:

“Like all other means of public transportation in the greater Copenhagen area, the Copenhagen Metro employs a self-service system, where the passenger is responsible for being in possession of a valid ticket, for the entire journey, before boarding the train. Passengers must be able to present a valid ticket on demand to the ticket inspectors.

In cases where passengers are not able to present a valid ticket, a fare evasion ticket will be issued, which is currently DKK 750, - for adults. This basic rule is a prerequisite for the self-service system that applies to travel by public transport. The above mentioned information is available on [www.m.dk](http://www.m.dk) as well as on our information boards which are placed at every station. The information boards contain travel information in both English and Danish.

Our Metro staff is trained to issue fare evasion tickets to all customers without a valid ticket. They do not distinguish between an intentional or unintentional mistake. They only check the validity of the ticket. In order to ensure correct travel information please contact our Metro staff either in person or via call points on the station or in the Metro trains.

Call points can be found on all of our ticket vending machines, and on our stations here is also yellow call point several places. These call points (the one on the ticket vending machine and the yellow ones on the station) can be used if the passenger requires assistance or guidance. The call point will connect the passenger directly to an operator in our control tower, which is manned 24 hours a day. This operator can, in case he or she cannot help over the call point, call a steward to the station for help and/or guidance.

Unfortunately the pictures taken by the steward at the time of ticketing, have due to technical problems been lost, which is why we cannot see neither enclose this pictures.

As reason for issuing the fare evasion tickets the steward has written “Expired tickets”.

Looking at the pictures we have received from the complainant showing the clip cards, it is obvious that the clip card has not been stamped and therefore the complainants did not have a valid ticket and did not paid for their trip.

The complainant refers to being in a hurry as the train was parking at the station, and that they thought they heard the click from the machine and thereafter ran into the train.

At this time in the morning there is only 7-8 minutes between the trains and they could therefore have waited for the next train while checking that the clip card was correctly stamped.

We have contacted our maintenance department who has informed us that they have no information regarding any problems with neither of the 2 TCM (Ticket Clip card Machines) at Femøren station on the day in question.

We have also checked the logbook written by the personnel in the control room. Neither in this logbook is anything mentioned regarding the clip card machines placed at Femøren station.

If unable to validate the 10 journey card in a ticket stamping machine, passengers are required to try all other available ticket stamping machines at the station (Femøren station has 2 ticket stamping machine). If the passenger is still unable to stamp the card and is in need of assistance, the passengers needs to contact Metro staff personally or by using on off the call points described above. Alternatively they must buy an ordinary ticket and hereby be able to present a valid ticket if asked.

Ticket as well as zone information and other important information is available at all stations on our information boards **Trafikinformation / Traffic information** in Danish as well as in English.

Below is inserted a part of the text on the information board **Trafikinformation / Traffic information**.

On this board the passenger can read how many zones are needed, the validity of tickets and travel cards (clip cards) among other things, and also the consequence of not having a valid ticket:

Farve-zone	Købskort : Valgsen								Barn
	2	3	4	5	6	7	8	Allt	
2	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr	1 hr
3	1 hr 15 min	1 hr 15 min	1 hr 15 min	1 hr 15 min	1 hr 15 min	1 hr 15 min	1 hr 15 min	1 hr 15 min	1 hr 15 min
4	1 hr 30 min	1 hr 30 min	1 hr 30 min	1 hr 30 min	1 hr 30 min	1 hr 30 min	1 hr 30 min	1 hr 30 min	1 hr 30 min
5	1 hr 45 min	1 hr 45 min	1 hr 45 min	1 hr 45 min	1 hr 45 min	1 hr 45 min	1 hr 45 min	1 hr 45 min	1 hr 45 min
6	2 hrs	2 hrs	2 hrs	2 hrs	2 hrs	2 hrs	2 hrs	2 hrs	2 hrs
7	2 hrs 15 min	2 hrs 15 min	2 hrs 15 min	2 hrs 15 min	2 hrs 15 min	2 hrs 15 min	2 hrs 15 min	2 hrs 15 min	2 hrs 15 min
8	2 hrs 30 min	2 hrs 30 min	2 hrs 30 min	2 hrs 30 min	2 hrs 30 min	2 hrs 30 min	2 hrs 30 min	2 hrs 30 min	2 hrs 30 min
Allt	2 hrs 45 min	2 hrs 45 min	2 hrs 45 min	2 hrs 45 min	2 hrs 45 min	2 hrs 45 min	2 hrs 45 min	2 hrs 45 min	2 hrs 45 min

**Ticket information**  
Tickets are available from the ticket vending machines for journeys within Greater Copenhagen and for destinations in Denmark and Scania (Skåne) in Sweden. Major Credit cards and Danish coins can be used. Please read more about different types of tickets below and on [www.m.dk](http://www.m.dk).

**Tickets**  
A valid ticket allows you to use bus, other trains and Metro.

**Fare Zones**  
Greater Copenhagen area is divided into zones. The longest trip with the Metro (from Varlose to Copenhagen Airport) costs 3 zones.

**How to buy a ticket:**  
- The red zone on the map shows where you are now  
- Find the destination zone  
- Check the chart to find the number of fare zones, your ticket must be valid for  
- The most expensive fare zone decides your fare  
- The minimum fare is a 2-zone ticket per person.

Do you use season card, then the card must cover the zones (marked with white) that you are bypassing or travelling in.

Validity	Tickets	10 trip-travel cards
2 zones	1 hr	1 hr
3 zones	1 hr 15 min	1 hr
4 zones	1 hr 30 min	1 hr 30 min
5 zones	1 hr 45 min	1 hr 30 min
6 zones	2 hrs	1 hr 30 min
7 zones	2 hrs 15 min	2 hrs
8 zones	2 hrs 30 min	2 hrs
All zones	2 hrs 45 min	2 hrs

**Cykler**  
Cykler må medbringes, når du har købt en cykelbillet, og når rejsen foretages uden for spærretiden - dvs alle hverdage kl. 7:00-9:00 og kl. 15:30-17:30. I juni, juli og august må cyklen medtages på alle tidspunkter.

**Rejsende med Rejseskort**  
Når Rejseskort benyttes i Metroen: **Check ind** ved rejsens start. **Check ind** er registreret på chippen i dit rejseskort, når kortlæseren kvitterer med et "ding" og et OK på skærmen.  
Hvis du fjerner dit rejseskort for hurtigt fra **Det Blå Punkt**, registreres **Check ind** ikke. Kortlæseren kvitterer med et "dong" og meddelelsen **Følj. Prøv igen**.

**Check ind** hver gang du skifter transportmiddel. **Check ud** ved rejsens afslutning. Hold dit rejseskort hen på **Det Blå Punkt**, indtil skærmen viser rejsens pris og et OK. Først da har du checket rigtigt ud.

Hvis du ikke foretager et **Check ind** ved rejsens start eller ved skift, har du ikke gyldig rejsebiljet, og du kan risikere en kontrolafgift iht. gældende rejseregler.  
Glemmer du at foretage **Check ud**, mistes forbetalingsen.

The metro operates 24/7  
During daytime: 2-6 minutes between train departures.  
During night: 10-20 minutes between train departures.  
Longer travel time might occur  
- when transferring from M1 to M2  
- due to planned maintenance work  
- due to operational disruptions  
Any changes will be announced on [www.m.dk](http://www.m.dk).

**Penalty**  
Remember it is your responsibility to have a valid ticket or travel card for both you and your potential companions. Lack of ticket or card and travelling during curfew (pensioners and/or bicycles) will per 1. January 2013 result in a penalty charge of 750 DKK per adult, 375 DKK per child/dog and 100 DKK per bicycle and onward travel in this period is not allowed. We refer you to [www.m.dk](http://www.m.dk) and the travel rules for applicable penalty charges.

**Children**  
Up to two children under the age of 12 travel for free in the Metro, if accompanied by a paying adult. Children travelling alone and under the age of 16 must have a children's ticket.

**Dogs**  
Your dog must have a children's ticket. Smaller dogs travel for free in the Metro, if carried in a bag.

**Bicycle**  
You can take a bicycle with you when you have bought a bike ticket, and when you travel outside curfew for bikes - that is all weekdays between 7:00-9:00 am and between 15:30-17:30 pm. In June, July and August, however, you can take your bicycle with you at all times, as long as you have a valid ticket also for the bicycle.

**Travel card**  
When using a travel card in the Metro:  
- Make a **Check-in** at the start of the trip on the **Blue Point**. **Check-in** is registered on the chip in your travel card, when the card reader returns a "ding" and an OK on the card reader screen.  
- If you remove your travel card too quickly from the **Blue Point**, the chip is not registering your **Check-in**, and you will hear a "dong" and the message **Error. Please try again**.  
- Make a **Check-in** whenever you change mode of transport  
- Make a **Check-out** at the end of the trip and wait for the screen to show the cost of the trip and an OK.

If you do not make a **Check-in** at the start of the trip or when changing mode of transport, you do not have a valid ticket, and you risk getting a fine in accordance with applicable travel regulations.  
If you forget to make a **Check-out**, you will lose the prepayment.

**Penalty**  
Remember it is your responsibility to have a valid ticket or travel card for both you and your potential companions. Lack of ticket or card and travelling during curfew (pensioners and/or bicycles) will per 1. January 2013 result in a penalty charge of 750 DKK per adult, 375 DKK per child/dog and 100 DKK per bicycle and onward travel in this period is not allowed. We refer you to [www.m.dk](http://www.m.dk) and the travel rules for applicable penalty charges.

We must point out that we do not take into consideration whether the lack of a valid ticket is due to a conscious or unconscious act. Since we want to treat all passengers equally, we only consider

the fact that it is the customer's responsibility - before boarding the train - to secure a ticket, which can be presented on demand.

Based on the above mentioned, we therefore maintain our claim towards the complainants of paying the fare evasion tickets of DKK 750 DKK each as they could not present valid tickets/clip card when asked for by the steward, as it is the passengers own responsibility to ensure a valid ticket or clip card which is correctly stamped and valid for the entire journey.”.

### **Hertil har klageren anført:**

”Instead of only trying to go around with customer responsibility, We should also pointing to the malfunction of the yellow machine. I understood the duty of staff to check on validity of the ticket of customer. But I do not understand the avoiding and not accepting that the machines are not work properly, not only this one, I’m sure there are many of them and I’m sure the metro department knows well about these problems and I am sure that I am not the only one or the first case having problem from the yellow machine.

Regarding of my suggestion, accept the problem of the machine and find solutions such as doing proper maintainant, make it work 100% not 50-50. If you can not make it work 100%, put it on unservicable not leave it by customer's luck. Like 1st time not working, 2nd time not working, try 3rd time maybe working or maybe 4th or 5th or more. This should not be the right way to be the self serviced metro system. If still not be able to fix it or it's getting out of hand because of these machines are too old, stop selling the ticket for using with this machine and cancel it in the end. In my opinion, the one with touch screen is more compatible and up to date. It is better than keep giving fine to many customers and remain avoid talking about the problem of the yellow machine leaving it unfix.

I do trust myself and your people no one would want to cheat as educated people supposed not to and also the price of the ticket is inexpensive but I do not trust your machines. Myself as a human been doing all the processes the resposibilitied customer supposed to do, since buying the ticket and put it in the machine and then board the train. If it were the automated magnetic system, how could I trust your metro system then.

I am as a traveller may not have chance to visit Copenhagen anymore and kindly mention about do not always reply email the same answer like in the advertised medicin that can heal every problems but actually not fixing anything. Think reasonably and act well.

You can not just blame on the people without looking to malfunction point of the system path and keep giving the same reason of mistake happened in every situations that the fault is always belong to the customers.”.

### **Hertil har Metro Service svaret:**

”As earlier mentioned we have not registered any malfunction on any of the 2 ticket clip card machines at Femøren station on February 2<sup>nd</sup>, 2015, nor are there any malfunction registered on the machines the day before or the day after.

In case it is not possible for any reason to clip a clip card the customer must get valid ticket otherwise by using the ticket vending machine, mobile phone ticket, buying a rejsekort or by using the call point (the yellow one or the one on the ticket vending machine) for help.

We are not able to assess whether the complainants have acted in good or bad faith, which is why we only relate to the fact that it is the responsibility of the customer - before boarding the metro - to secure a ticket, which can be presented on request by the steward.

Based on the above and the statements in our e-mail May 29<sup>th</sup>, 2015 we maintain that the fare evasion tickets are correctly issued as valid ticket could not be presented when asked upon.”.

## **ANKENÆVNETS BEMÆRKNINGER:**

### ***Retsgrundlaget:***

Ifølge § 2, stk. 2, i lovbekendtgørelse nr. 969 af 08. oktober 2009 om lov om jernbaner, gælder loven også for metroen. Af § 23 fremgår det, at transportministeren fastsætter regler om jernbanevirksomhedernes adgang til at opkræve kontrolafgift og ekspeditionsgebyr for passagerer, der ikke foreviser gyldig rejsehjemmel (billetter og kort).

I henhold til § 4 i bekendtgørelse nr. 1132 om kontrolafgifter af 08. september 2010, fastsætter jernbanevirksomheden bestemmelser om kontrolafgift i forretningsbetingelserne.

Fra de fælles rejseregler for Hovedstadsområdet:

### **”2.2 Køb af rejsehjemmel**

Ved rejser med DSB, DSB Øresund, Metro, Movia eller Regionstog skal kunden være i besiddelse af gyldig rejsehjemmel inden rejsen påbegyndes. Rejsehjemmel kan ikke købes i toget. Det er muligt at købe rejsehjemmel i automater på stationerne. Dog kan ikke alle typer rejsehjemmel købes i automaterne. Alle automater modtager mønter, og de fleste automater modtager også betalingskort. (...)

Der er også mulighed for at købe rejsehjemmel i selskabernes betjente salgssteder inden for åbningstiden samt på [www.dsb.dk](http://www.dsb.dk) og [www.moviatrafik.dk](http://www.moviatrafik.dk).

I busser kan der købes kontantbilletter. Visse buslinjer kan undtages herfra, jf. nærmere oplysning på [www.moviatrafik.dk](http://www.moviatrafik.dk). Der modtages kontanter på beløb op til nærmeste 100 kr. over billetprisen. (...)

Nærmere information, om hvordan og hvor der kan købes rejsehjemmel, findes på selskabernes hjemmesider.

### **2.3 Generelle principper,**

Kunden skal ved modtagelsen af rejsehjemmel sikre sig, at det udleverede svarer til det ønskede.

Kunden skal have gyldig rejsehjemmel til hele rejsen. Det er kundens ansvar at sikre sig dette. (...) Hvis rejsehjemlens tidsgyldighed udløber under rejsen, gælder den ikke længere end til førstkommande endestation. For rejsekort gælder dog særlige regler.

#### **2.3.1 Særligt om billetter og kort**

Det er kundens ansvar, at billetten eller kortet er korrekt stemplet eller udfyldt og gælder for hele rejsen. Billetter og kort, der skal stemples, skal stemples inden kunden stiger ind i tog eller metro. I bussen stemples ved indgangen. I Lokalbansens tog kan der købes billet eller stemples ved indgangen. Dette skal ske umiddelbart efter påstigning, og inden kunden finder en siddeplads i toget.

Billetter er gyldige i den periode og på den strækning samt det omstigningsområde eller det antal zoner, som er påtrykt billetten.

Klippekort er gyldige i den periode, og på den strækning samt det omstigningsområde eller det antal zoner, som antallet af afstemplinger giver ret til.



Billetter og klippekort skal være gyldige til den fjerneste (dyreste) zone, som rejsen går igennem.

(...) Kunden skal stige på, inden billetten eller kortet udløber. Billetten eller kortet kan dog anvendes, hvis den var gyldig på det tidspunkt, hvor transportmidlet ifølge køreplanen skulle køre fra stoppestedet eller stationen. Hvis transportmidlet ikke kører efter en køreplan, men i intervaller, skal billetten eller kortet være gyldig fra det tidspunkt, hvor kunden står på bussen eller toget. Transportmidlet skal forlades ved førstkommande endestation.

### **2.5 Kontrol af rejsehjemmel**

Gyldig rejsehjemmel skal kunne vises frem for kontrolpersonalet under hele rejsen, ved udstigning, i metroen indtil metroens område forlades, og i S-tog og lokalbanetog indtil perronen forlades. (...)

Kan gyldig rejsehjemmel ikke fremvises på forlangende, vil en efterfølgende visning ikke blive accepteret, jf. dog pkt. 2.6 om rejse uden periodekort.

Politiet kan medvirke eller tilkaldes under kontrollen, hvis kontrolpersonalet skønner det nødvendigt.

### **2.6 Kontrolafgift**

Kunder, der ikke på forlangende viser gyldig rejsehjemmel, herunder korrekt ind-checket rejsekort til deres rejse, skal betale en kontrolafgift. Det gælder også, hvis kunden har købt rejsehjemmel via en mobil enhed, og denne er løbet tør for strøm eller gået i stykker.

Som kunde uden gyldig rejsehjemmel betragtes også kunder, der benytter kort med begrænset tidsgyldighed (f.eks. pensionistkort) uden for kortets gyldighedstid, eller hvis andre rejsetidsbegrænsninger ikke overholdes (f.eks. for hvornår cykler må medtages). Kunder, der rejser på andres personlige kort eller med en anden kundetype, end kunden er berettiget til, rejser også uden gyldig rejsehjemmel.

Kontrolafgiften udgør 750 kr. for voksne og 375 kr. for børn og hunde. For cykler er afgiften 100 kr. (...)

Kontrolafgiften udgør i ovennævnte tilfælde rejsehjemmel til en uafbrudt rejse til den station på strækningen, som kunden oplyser, og kun med det selskab der har udstedt afgiften. I busser udgør kontrolafgiften rejsehjemmel til bussens endestation. (...)

Kunden skal legitimere sig ved kørekort eller andet retsgyldigt dokument med foto og kvittere for modtagelse af kontrolafgift, hvoraf fremgår navn, adresse, fødselsdato og underskrift. Der kan foretages opslag i CPR-registeret til identifikation eller kontrol af kundens oplysninger.

Kunden skal ved sin underskrift bekræfte rigtigheden af de angivne oplysninger.

Selskaberne kan nedsætte kontrolafgiften til 125 kr. mod samtidig betaling af den ordinære billetpris, hvis særlige forhold gør sig gældende. (...)

Selskaberne kan ændre størrelsen af kontrolafgifter og ekspeditionsgebyrer.

Selskaberne kan opkræve gebyr for at sende betalingspåmindelser. Betales gælden ikke efter en eller flere rykkere, overdrages fordringen til inddrivelse via SKAT. Ved overtagelse af gælden beregner SKAT sig et gebyr, der tillægges gælden.

Enhver indbetaling på kontrolafgiften anvendes først til dækning af eventuelle påløbne, ikke-betalte renter og gebyrer og dernæst til afdrag på selve hovedstolen."

### ***Den konkrete sag:***

Det fremgår af de fælles rejseregler for Hovedstadsområdet, at det er passagerens ansvar selv at sikre sig, at klippekort er korrekt stemplet inden påstigning på metroen.

Klagerne kunne ikke forevise gyldig rejsehjemmel ved kontrollen i metroen, og kontrolafgiften blev derfor pålagt med rette.

Ifølge oplysningerne fra Metro Service er der ikke registeret fejl på klippemaskinerne på Femøren st. på det omhandlede tidspunkt, og klagerne skyndte sig efter deres egen forklaring at stige på metroen uden først at have kontrolleret, om stemplingen var i orden. Havde de kontrolleret deres klippekort, ville det have været åbenbart, at der ikke var stemplet.

På denne baggrund finder ankenævnet, at det beror på klagernes forhold, at klippekortene ikke var stemplet, da de blev kontrolleret.

Det bemærkes, at pligten til at betale kontrolafgift ikke er betinget af, om passageren bevidst har forsøgt at unddrage sig betaling. Dette er et område med stor mulighed for omgåelse af reglerne om at have gyldig billet, hvorfor ankenævnet ikke finder, at der er grundlag for at fravige reglerne om, at passageren selv bærer ansvaret for korrekt billettering.

På denne baggrund finder ankenævnet, at der ikke har foreligget sådanne særlige omstændigheder, der kan fritage klagerne for at betale de pålagte kontrolafgifter ved rejse uden gyldig rejsehjemmel.

Ankenævnet træffer herefter følgende

AFGØRELSE:

Metroselskabet I/S v/Metro Service A/S er berettiget til at opretholde kravet om klagernes betaling af kontrolafgifterne på 750 kr. hver. Beløbet skal klagerne betale inden 30 dage jf. ankenævnets vedtægters § 15.

Da klagerne ikke har fået medhold i klagen, tilbagebetales klagegebyret ikke, jf. ankenævnets vedtægter § 26, stk. 4, modsætningsvist.

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 på [www.domstol.dk](http://www.domstol.dk), [www.advokatsamfundet.dk](http://www.advokatsamfundet.dk) og /eller eget forsikringssselskab om eventuel forsikringsretshjælp.

På ankenævnets vegne, den 29. september 2015



Tine Vuust  
Nævnensformand