

**AFGØRELSE FRA  
ANKENÆVNET FOR BUS, TOG OG METRO****Journalnummer:** 2013-0423**Klageren:** XX på egne vegne og på vegne af YY  
Tallinn - Estland**Indklagede:** Metroselskabet I/S v/Metro Service A/S  
**CVR:** 21 26 38 34**Klagen vedrører:** 2 kontrolafgifter på hver 750 kr. for anvendelse af 2-zoners klippekort klippet én gang for to personer.**Ankenævnets  
sammensætning:** Nævnensformand, landsdommer Tine Vuust  
Bjarne Lindberg Bak  
Ingrid Dissing  
Asta Ostrowski  
Torben Steenberg**SAGSFREMSTILLING:****Klageren reklameret til indklagede:** Den 15. november 2013.**Klagegebyr modtaget i ankenævnet:** den 25. november 2013.**Sagens omstændigheder:** Klageren og hans kollega, der begge er fra Estland, rejste den 14. november 2013 med metroen fra Københavns Lufthavn i zone 04 til Frederiksberg st. i zone 01/02. En rejse der krævede billet til 3 zoner pr. person.

Ifølge klageren havde det i Lufthavnen ikke været muligt for dem at finde brochurer om, hvor mange gange de skulle stemple deres 2-zoners klippekort, på andet sprog end på dansk.

De endte med at stemple klippekortet én gang gældende for dem begge.

Kl. 08:07 blev klagerens kollega pålagt en kontrolafgift på 750 kr. Kl. 08:20 blev klageren pålagt en kontrolafgift på 750 kr. På kontrolafgiften har stewarden noteret:

":Note>rejser 2 voksende. har klippet en gang på 2 zonerskort</Note> "

Den 15. november 2013 anmodede klageren og dennes kollega Metro Service om annullering af kontrolafgifterne og gjorde gældende, at de ikke kunne finde information på engelsk på stationen i Lufthavnen, hvorfor de spurgte om hjælp og fik at vide, at de skulle stemple én gang. Ved kontrollen fik de at vide, at de skulle lære at forstå zonesystemet, hvorfor de efterfølgende havde spurgt både buschauffører, danskere m.fl. men at de hver gang havde modtaget forskellig forklaring. De vedhæftede to 2-zoners klippekort.

Metro Service fastholdt kontrolafgifterne den 22. november 2013 med henvisning til selvbetjeningsprincippet.

### De af klageren indsendte klippekort:



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

" Me, XX, and my costudent and colleeg, XX, from Estonia were in Copenhagen for the first time and we arrived to the airpoirt in the morning (7.10) on 14.11.2013. We had a meeting in CBS so we took the metro from Lufthavnen to Frederiksberg. It was very early morning and we searched some help from the brochures but they were all in Danish and we made a mistake of buying the 10 trip card instead of a day card what is the easiest way. We asked help and some passengers said to get a 2 zone card and first time to use this kind of system. 2 zone confused us with wheth-er it is for 2 persons because 10 tickets and the stamping machine also because if tried to stamp the ticket for second time it did not do it and I thought it was okei.

Later we had the fine and then asked for help from officers we got info that 2 zone is okei but we had to make more stamps. We used the same tickets all the day and came back home in the even-ing. We both understand what was wrong and the next time we come to Copenhagen we know what to do, but we do not have this kind of money to pay for the fine and could you please take a

look at our case and maybe we can pay a smaller fine. The 750 is a very big money in our country.”

**Indklagede:** Fastholder kravet om betaling af kontrolafgifterne og har til støtte herfor 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 also available in the folder Metro's travel rules (in Danish), which 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 are 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. It is unfortunately not sufficient to enquire with a member of the public, regarding ticket information, as they may not be adequately informed concerning the journey the passenger wishes to undertake. 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.

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.

The complainants travelled together from Copenhagen airport Metro station to Frederiksberg Station. They were inspected after having left Nørreport station in zone 1, having shown a clip card with a single validation clip from zone 4 with a 2 zone clip card.

The complainants both received a fare evasion ticket, as they did not validate their 2 zone, 10 journey clip card enough times, at the metro station at Copenhagen airport prior to boarding the metro. The 10 journey clip card was purchased at the station, and was validated only once before starting their journey (see attachment of the complainants appeal for attached picture of the 10 journey card used – first clip used on the card on the right hand side). The complainants inform us in their first correspondence with us, that they did not realise that they needed to validate the clip card more times, as they were confused regarding what to do. They assumed it was enough to have validated the clip card only once, as they had trouble validating it for the second time, and they therefore boarded the Metro without validating the card.

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. The Metro station at Copenhagen airport has 4 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

Ticket as well as zone information is available at all stations on our information boards in Danish as well as in English. Here it clearly states that 2 zones are required as a minimum for travel in the Metro, as well as other public transport in greater Copenhagen. Passengers are required to use the guidelines in order to find out how many zones are needed for their travel, if they themselves are not familiar with the travel system. On some stations you will also find our information folders, however availability is not guaranteed.

All of our ticket stamping machines, as well as our information boards contain 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. It is always the passenger own responsibility to ensure the ticket has the correct number of zones for the specific journey.

### See below the texts written in English from the information boards placed at the stations:

#### 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 Vanløse 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

**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 traveling 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.



**Henvendelser til Metroens kontrolrum kan ske fra opkaldsstedet – tryk INFO. Ved akut fare – tryk ALARM.**

Inquiries to the Metro control room may be made from the call point by pressing INFO. In case of emergency, press ALARM.



**Metrostationer og Metrotog er kameraovervågede af hensyn til de rejsendes sikkerhed og tryghed.**

For passenger safety and security Metro stations and trains are under video surveillance.



**Rejser med Metroen kræver gyldig billet eller kort. Billetter eller kort kan købes i automater på alle stationer. Billetkontrol kan ske både under rejsen, ved udstigning og på stationen efter endt rejse.**

**Ved manglende billet udstedes kontrolafgift efter gældende regler.**

Travelling on the Metro requires a valid ticket or travel card.

Tickets and travel cards are available from ticket vending machines at the stations.

Ticket control may be performed during the journey, when alighting and at the station after the journey has ended. Passengers boarding a train without a valid ticket will be liable to pay a penalty fare.

#### FARE ZONES

How to purchase tickets for Greater Copenhagen:

- The red zone on the map shows where you are now.
- Find your destination zone.
- Check the chart to find the number of fare zones your ticket needs to be valid for.
- The most expensive fare zone decides your fare.
- The minimum fare is a 2-zone ticket.

Children under 12 years travel free on buses, Metro and other trains within the metropolitan area when accompanied by an adult. The limit is two non-paying children per adult.

Tickets / punched ten-trip travelcards for	Validity period
2 and 3 zones	1 hour
4, 5 and 6 zones	1.5 hours
7, 8 and all zones	2 hours

#### TICKET INFORMATION

Tickets and ten-trip travelcards are available from the ticket vending machines for journeys within Greater Copenhagen and for destinations in Denmark and Scania in Sweden.

A valid ticket allows you to transfer between the Metro, other trains and buses.

#### Bicycles

Bicycles are not permitted Mon-Fri 7-9 am and 3:30-5:30 pm. These restrictions do not apply in June, July and August.

#### Penalty

Travelling without a valid ticket: DKK 600

#### FURTHER INFORMATION

Press the infobutton on the ticket vending machine

## Kundeservice Customer service

**Metro Service A/S (Metro)**  
T 7015 1615 / [www.m.dk](http://www.m.dk)

**DSB (other trains than Metro)**  
T 7013 1415 / [www.dsb.dk](http://www.dsb.dk)

**MOVIA (buses)**  
T 3613 1415 / [www.moviatrafik.dk](http://www.moviatrafik.dk)

**Rejskort**  
T 7011 3333 / [www.rejskort.dk](http://www.rejskort.dk)

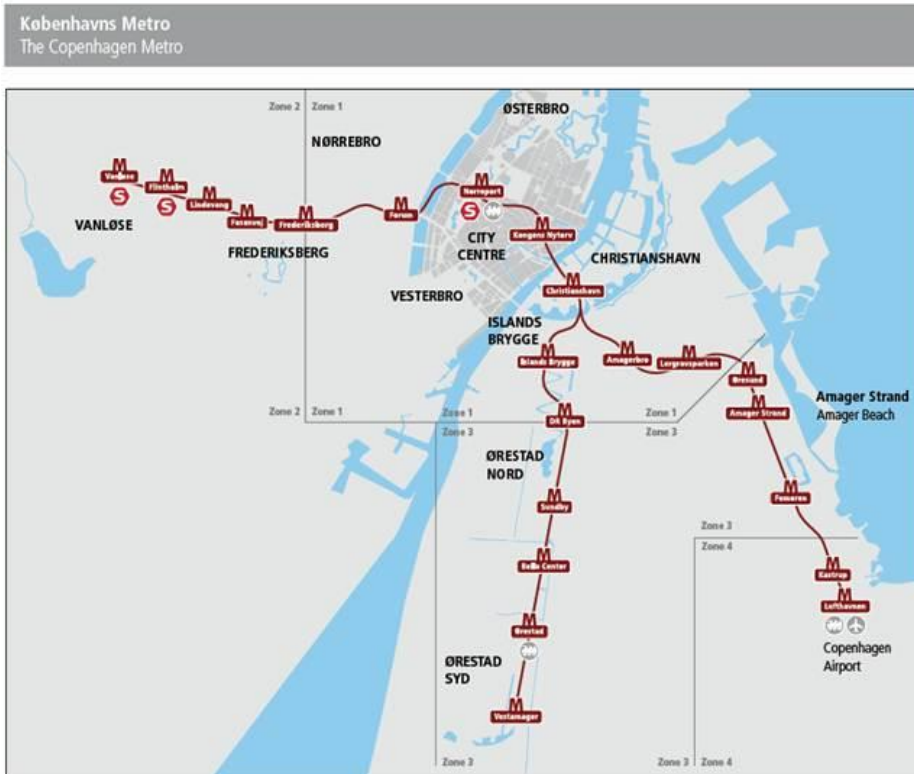
#### Kontakt

Hjælp til din rejse kan fås ved at benytte de gule opkaldssteder, som findes på perroner og i tog eller benytte infokapperne på billetautomaten. Yderligere information findes på hjemmesiden [www.m.dk](http://www.m.dk) og i folderen "Rejseregler", som findes på stationerne.

#### Contact and further information

You can get additional assistance, by using the yellow dial locations that you find on both platforms and in the trains or you can use the info button on the ticket vending machine. Alternatively [www.m.dk](http://www.m.dk) and the folder "Rejseregler" provide more information.

**Map over the Copenhagen Metro shown on information board:**



Zone maps showing travel from the airport (starting in zone 4):



Zone maps are also available inside the metro trains (see below):



It is the passengers own responsibility to ensure that the clip card is correctly stamped and that it is valid for the entire journey. Furthermore, the passengers must be able to show the valid ticket in case of a ticket inspection.

In cases where passengers are unable to validate their clip card, or have questions regarding tickets or zones, they are welcome to ask our Metro staff. Copenhagen airport is always manned by Metro staff. If passengers are unable to contact a member of staff directly, they are always able to contact the control room via yellow call points at the station, or call points by the ticket vending machines. These call points can be used by all passengers in need of assistance.

According to the metro travel regulations, passengers must hold a valid ticket, and be able to present it upon request. Based on the above mentioned, we therefore maintain our claim towards the complainants of paying the fare evasion tickets of 750 DKK each. We can offer to divide the 2 fare evasion tickets into 3 monthly installments for both of the complainants, if this is of any interest to them."

#### **BILAG TIL SAGEN:**

Kopi af kontrolafgifterne.  
Kopi af parternes korrespondance.

#### **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.



Det fremgår af Metroens rejseregler (forretningsbetingelser), at passagerer skal have gyldig billet, gyldigt stemplet klippekort eller gyldigt månedskort fra rejsen begynder. Billet eller kort skal opbevares under hele rejsen og indtil Metroens område forlades. Billetter og kort skal fremvises til Metro Stewarden på forlangende. Billetkontrol kan ske både under rejsen, ved udstigning og på Metrostationen efter afsluttet rejse. Hvis man ikke kan fremvise gyldig billet eller kort under rejsen, i forbindelse med udstigning eller på Metrostationens område efter at have afsluttet rejsen, udstedes en kontrolafgift. Afgiften er et girokort, som kan betales via bank eller på posthus. Kontrolafgiften er samtidigt billet til vidererejse til den Metrostation, passageren oplyser som bestemmelsesstationen. Kontrolafgiften er 750 kr. for voksne.

***Den konkrete sag:***

Klageren og dennes kollega kunne ved kontrol den 14. november 2013 ikke forevise gyldig rejsehjemmel, idet de kun havde stemplet én gang på et 2-zoners klippekort gældende for dem begge. Kontrolafgifterne blev dermed pålagt med rette.

Ankenævnet finder fortsat som i tidligere sager, at den information, som gives på engelsk om minimum antal zoner og beregning af zoner på engelsk, er tilstrækkelig tydelig.

Ankenævnet finder herefter, at der ikke har foreligget omstændigheder, der gør, at klageren og dennes kollega skal fritages for betaling af kontrolafgifterne.

Ankenævnet træffer herefter følgende

AFGØRELSE:

Metroselskabet I/S v/Metro Service A/S er berettiget til at opretholde kravet om klagerens og dennes kollegas betaling af kontrolafgifterne på hver 750 kr. I alt 1500 kr. Beløbet skal betales inden 30 dage jf. ankenævnets vedtægters § 15.

Da klageren ikke har fået medhold i klagen, tilbagebetales klagegebyret ikke, jf. § 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 17. juni 2014



Tine Vuust  
Nævnensformand