

## AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

- Journalnummer:** 24-0161
- Klageren:** XX  
1754 København K
- Indklagede:** Movia  
**CVR-nummer:** 29 89 65 69
- Klagen vedrører:** Kontrolafgift på 500 kr. grundet rejse med hund uden at have købt bil-  
let til hunden
- Parternes krav:** Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gæl-  
dende, at han ikke kunne finde den rette billettype, og at det ikke frem-  
gik tydeligt i billet-appen, at han skulle købe en børnebillet til hunden
- Indklagede fastholder kontrolafgiften
- Ankenævnets  
sammensætning:** Nævnensformand, dommer Lone Bach Nielsen  
Torben Steenberg (2 stemmer)  
Helle Berg Johansen  
Dorte Lundqvist Bang

Ankenævnet for Bus, Tog og Metro har på sit møde den 23. oktober 2024 truffet følgende

### **AFGØRELSE:**

Movia er berettiget til at opretholde kravet om betaling af kontrolafgiften på 500 kr.

Beløbet skal betales til Movia, der sender betalingsoplysninger til klageren.

Da klageren ikke har fået medhold i klagen, tilbagebetales klagegebyret ikke, jf. ankenævnets ved-  
tægter § 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 sagsan-  
læg fx på [www.domstol.dk](http://www.domstol.dk), [www.advokatnoeglen.dk](http://www.advokatnoeglen.dk) og /eller eget forsikringssselskab om eventuel  
forsikringsretshjælp.

## SAGENS OMSTÆNDIGHEDER:

Klageren, som er engelsktalende, men bosat i Danmark, steg om aftenen den 20. februar 2024 ombord på Movias buslinje 5C ved stoppestedet Nørrebro st. medbringende sin hund i snor.

Ved stoppestedet Stefansgade – 2 stop senere – steg kontrolløreren på bussen, og ved den efterfølgende kontrol blev klageren pålagt en kontrolafgift på 500 kr. for at rejse uden rejsehjemmel til hunden.

Den 6. marts 2024 anmodede klageren Movia om at frafalde kontrolafgiften og anførte:

" I tired to purchase a ticket for my dog on the ticket app, I learnt from the inspector that to purchase a dog ticket, you have to choose a 'child' ticket...that makes no sense, how am I supposed to know that? I did not know that, therefore I could not find the ticket to pay for my dog. I do not believe the fine is justified due to this."

Movia fastholdt kontrolafgiften den 21. marts 2024 med henvisning til selvbetjeningssystemet og anførte, at klageren selv bar ansvaret for at have billet til hunden.

Hertil svarede klageren den 2. april 2024:

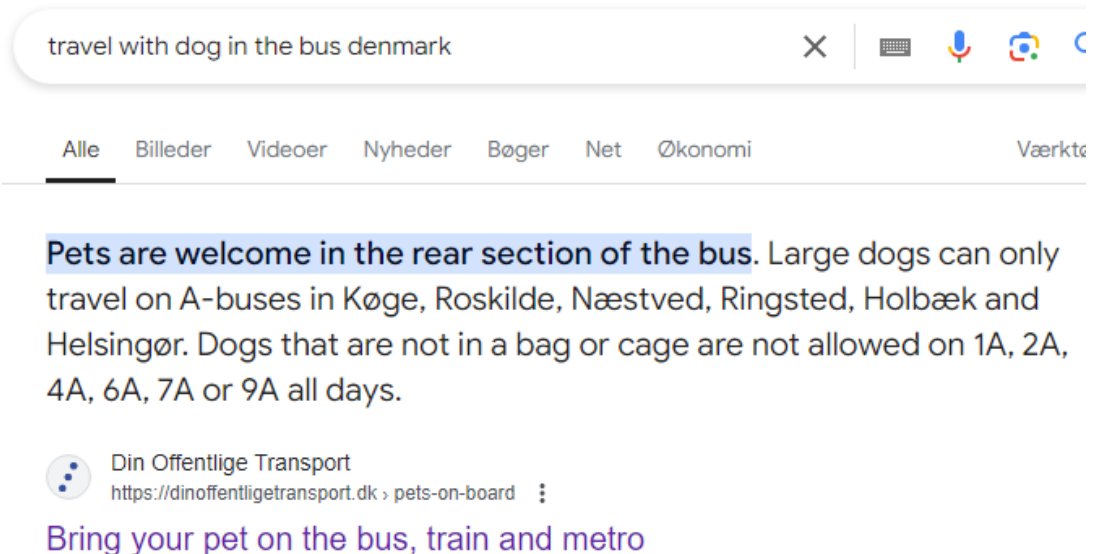
" It's absolutely unacceptable to think someone has to guess to add their dog as a child through the booking app. It's very bad UX and very easily solvable (I'm a digital design Director and Partner at a large design company here in Copenhagen)."

Klageren indbragte herefter sagen for ankenævnet.

## SEKRETARIATETS UNDERSØGELSER:

Sekretariatet har foretaget en google-søgning med teksten: "travel with dog in the bus denmark", hvorved følgende resultat fremkom:

"



The screenshot shows a Google search interface. The search bar contains the text "travel with dog in the bus denmark". Below the search bar, there are navigation tabs: "Alle", "Billeder", "Videoer", "Nyheder", "Bøger", "Net", "Økonomi", and "Værktøjer". The search results show a link from "Din Offentlige Transport" with the URL "https://dinoeffentligetransport.dk > pets-on-board". The main text of the result reads: "Pets are welcome in the rear section of the bus. Large dogs can only travel on A-buses in Køge, Roskilde, Næstved, Ringsted, Holbæk and Helsingør. Dogs that are not in a bag or cage are not allowed on 1A, 2A, 4A, 6A, 7A or 9A all days." Below this text is a purple link that says "Bring your pet on the bus, train and metro".

"

Når man klikker på ovenstående link "Bring your pet on the bus, train and metro", føres man til DOT's hjemmeside (<https://dinoffentligetransport.dk/en/how-to-travel/pets-on-board>), og får vist følgende information:

”


Din Offentlige Transport / How to travel / Pets on board

Pets

## Bring your pet on the bus, train and metro

You can always bring your small pet for free on the bus, train and metro. Large dogs need a ticket (for child) and may not always be allowed on the bus.

Buy a childrens ticket in the DOT Tickets app



You can bring small dogs and other small pets for free as long as they can stay in a bag, carrier or crate throughout the entire journey.

”

### ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Ved kontrollen i Movias buslinje 5C kunne klageren ikke forevise en børnebillet for den hund, han medbragte i snor.

Da der i henhold til de Fælles landsdækkende rejseregler skal betales børnepris for hunde, som medbringes i snor, blev kontrolafgiften på 500 kr. pålagt klageren med rette.

Klageren har gjort gældende, at han forsøgte at købe en billet i DOT-appen, men ikke kunne finde den rette billettype, da det ikke fremgik i appen, at hunde skal rejse på børnebillet.

Ankenævnet bemærker hertil, at det som udgangspunkt er passagerens eget ansvar at sikre sig gyldig billet til den rejse, der foretages, og endvidere skal mobilbilletter herunder billetter, som købes i DOT-appen, være modtaget på mobiltelefonen før påstigning.

Når klageren ikke umiddelbart kunne finde ud af, hvilken billet han skulle købe til sin hund, kunne han enten meget let have fundet svaret herpå ved en enkel internetsøgning inden påstigning, eller alternativt kunne han være steget ombord forrest i bussen, hvor han kunne have spurgt chaufføren til råds.

Imidlertid rejste klageren to stop med bussen uden at foretage yderligere for at sikre sig gyldig billet til hunden.

På denne baggrund finder ankenævnet, at der ikke har foreligget sådanne helt særlige omstændigheder, at klageren skal fritages for betaling af hundekontrolafgiften på 500 kr.

## **RETSGRUNDLAG:**

Ifølge lov om trafikkselskaber § 29 kan selskabet udstede kontrolafgift og pålægge ekspeditionsgebyr til en passager, der ikke på forlangende foreviser gyldig rejsehjemmel.

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, skal betale en kontrolafgift på 500 kr. for hunde.

I henhold til pkt. 5 i de Fælles landsdækkende rejseregler, må mindre dyr, herunder små hunde, medbringes gratis i bus, tog, letbaner og metro efter reglerne for håndbagage i afsnit 4.2, forudsat at de under hele rejsen er anbragt i dertil beregnet taske, bur eller transportkasse.

Det er desuden tilladt at medtage større hunde, forudsat at hunden er i snor og under kundens kontrol. Ved større hunde forstås hunde, som ikke transporteres i en taske, et bur eller transportkasse. For større hunde og hunde i "hundevogn" betales børnepris. Der må højst medtages 1 hund i snor eller i "hundevogn" pr. kunde. Det er altid personalet, der vurderer, om der er plads, og personalets anvisninger skal følges.

## **PARTERNES ARGUMENTER OVER FOR ANKENÆVNEN:**

### **Klageren anfører følgende:**

" I could not find the correct UI [User Interface] to purchase a ticket for my dog on the Movia app, therefore I was unable to buy a ticket. The ticket inspector (whilst laughing) told me that I need to select a ticket in the app labelled 'child' for my dog. I had no idea that this was the (pretty ridiculous) situation.

The ticket inspector noted on the case that I am foreign to Denmark, and recommended that I appeal the ticket, as he believes it is unfair."

### **Indklagede anfører følgende:**

" Movia maintains that the inspection fee is rightly imposed, and we do so on the grounds that complainant, XX, did not present a valid ticket for his dog on the inspectors' inquiry in the bus.

According to the Joint National Travel Regulations § 5, only small animals can travel for free provided they are placed in a bag, cage, or transport box during the entire journey. For travelling without a cage, box or the likes, the customer must pay a ticket to the animal in the form of a ticket on child rate.

This important rule for dog owners appears in both the official Joint Travel Regulations and on the public transport's website. For information about tickets or other rules regarding the public transport, a customer can always ask the driver during boarding for any questions.

We also refer to § 2.4 in where it is stated that any customer travelling in the public transport must agree with the Travel Regulations before departure. The transport system is an open system with widespread

self-service, and it is the customer's own responsibility to have a valid travel document. The customer must ensure himself that everything is in accordance with the requirements.

The drivers are available to help customers, but they do not do ticket inspection or even reject passengers without valid tickets. The customer is responsible himself for searching for assistance from the driver in case of ambiguities.

Joint National Travel Regulations:

## **2.2. Customer categories**

*It is the customer's responsibility to have a valid travel document issued for the correct customer category.*

## **2.3. Purchase of travel documents**

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

## **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.*

*The driver can upon request provide guidance on travel documents but does not perform systematic single ticket inspection.*

## **2.6. Inspection of travel documents**

*If a valid travel document cannot be presented on request during inspection, it will not be possible to have to get a reduction or cancellation of an inspection fee by subsequent presentation of travel documents.*

### **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.*

## **5. Animals**

*Small animals, including small dogs, may be carried free of charge by bus, train, light rail and metro according to the rules for carry-on luggage in section 4.2, provided they are placed in a bag, cage or transport box intended for that purpose during the entire journey.*

*It is also permitted to carry larger dogs, provided that the dog is on a lead and under the customer's control. 'Larger dogs' means dogs that are not transported in a bag, cage or transport case. For large dogs and dogs in 'dog carts', the child price is paid. No more than 1 dog, on a lead or in a 'dog cart', may be carried per customer. It is always the staff who assess whether there is space, and instructions from staff must be followed. See section 5.1, however.*

*Customers with animals must show particular consideration for other customers and follow the instructions of the staff. Animals must not be on the seats.*

### **Inspection fee**

The inspector entered the bus at 21:37:45 at Stefansgade in bus 5C. When the inspector was about to control the ticket of XX and his dog, no ticket for the dog could be presented on the request.

Since it is mandatory to purchase a ticket on child rate when travelling with an animal who is not placed in any equipment, a rightly imposed fee was issued to complainant at 21:39:51.

<b>Stop</b>	Stefansgade
<b>Påstigning</b>	20-02-2024 21:37:45
<b>Udstedt dato/tid</b>	20-02-2024 21:39:51
<b>Stået af</b>	20-02-2024 21:41:24

The reason for the fee was titled “Ingen billet fremvist” – “No ticket presented”.

<b>Årsag</b>	Ingen billet fremvist
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The following picture of the dog was taken by the inspector during the inspection.



### **Comments and decision**

15 days after the issuance of the fee, the complainant wrote a complaint to Movia concerning the matter. In this complaint, we interpret that complainant is trying to transfer the blame of the lacking ticket to Movia.

Extract from complainant: *“you have to choose a 'child' ticket...that makes no sense, how am I supposed to know that?”*

First of all, we want to point out that the travel system in Denmark is based on self-service exclusively, which basically means that any customer is obliged to seek information about a specific journey which could involve zones, customer-type, validity and any general travel rules.

Secondly, we emphasize that any ambiguity could possibly be resolved by asking the driver. We are strongly committed to the fact that XX did not ask any questions to the driver upon boarding about his dog. In the

bus 5C there are introduced a free flow system, which means that all doors can be used as entrance and exit. Therefore, when travelling in 5C, which is also the longest bus, there are no way that drivers could be held responsible for any issues or lack of tickets about which there have not been asked directly.

We learn that in the Travel Regulations it is being brushed off that drivers can provide guidance if they are properly asked. With that said, it must never be expected that drivers unmotivated are moving down through the aisles of the buses themselves reminding the customers about that a dog also must have a ticket.

We refer to § 2.4:

#### **2.4. Use of travel document**

*The driver can upon request provide guidance on travel documents but does not perform systematic single ticket inspection.*

In addition to the fact that rules about dogs are stated in the Travel Regulations, user manuals are available as well on the official transport web site on the internet.

We have tried to make a search within few seconds to see how it works. Down on the left there is a search button, where all necessary information can be found. When searching on the word "animal", we see that a document appears with all necessary information.

By searching for information on the public web site or in the official travel rules, complainant would have gained a clear knowledge of the rules regarding animals. Since complainant brought his dog in the bus, we think that he should have tried to seek information about it before/ or at least during boarding.

The screenshot displays the search interface of the official transport website. On the left, a vertical sidebar contains navigation icons and labels: 'Your Public Transport', 'Plan Journey', 'Find tickets', 'How to travel', 'Contact us', and 'Search'. The main content area is titled 'Din Offentlige Transport / Search' and features a search bar with the text 'animal' and a 'Search' button. Below the search bar, it indicates 'Din søgning på "animal" gav 1 resultater' and shows a result card for 'Ingen kategori' with the title 'How to travel with animals on trains, buses, and subways.' Two arrows are overlaid on the image: one pointing from the 'Search' button in the sidebar to the search bar, and another pointing from the search bar to the result card.

#### Movias conclusion

In the case with XX, we see no indication of how the responsibility may have been transferred to Movia. As a traveler companioning a dog, we think that XX should have sought for information before travelling or immediately when entering the bus.

Since the driver was not asked about guidance, we find that complainant carries the responsibility himself. Furthermore, we find that there is sufficient information concerning animals available on the various web sites associated with the public transport in Denmark.

When an inspection fee is issued, we have no reason to believe that it is anything but a regrettable mistake, but on the other hand, Movia has no way of assessing whether the missing travel document is due to a mistake, attempt at deliberate cheating, oversight, or other things.

An inspection fee is not conditional on whether a customer have deliberately tried to evade payment or whether there are errors or misunderstandings, but only if the customer can present a valid ticket during inspection. Since complainant did not present a valid ticket for his dog, and since no persons beside complainant himself could be held responsible, Movia finds that the inspection fee has been correctly issued.

Based on an overall assessment including no special circumstances involved, Movia finds that the fee is correctly issued."

### **Hertil har klageren bemærket:**

"I'm assuming this is typical behaviour from Movia, maintaining the fine is correctly issued, because that financially benefits them. I do however find their document very condescending, and typical arrogance of a corporation in a position of power, over an individual citizen. It will make great material for sharing publicly, and directly with my close friends in the media.

If you need more supporting input, I've added some context/response below.

Regarding their comments, yes I am transferring the blame to Movia for the reasons I outlined originally. But to respond directly to their rebuttal:

- Due to how busy the bus was, me having a dog and carrying furniture, I could not make my way to the driver (who was busy driving at the time...) to enquire about how to purchase a dog ticket, which I was trying to actually do, as I'm fully aware you need to pay for a dog. I was attempting to find the ticket on the app to pay for my dog whilst travelling on the bus, and actually asked the inspector before the fine was issued, how to find the dog ticket, because I was confused by the dark UX patterns on the ticketing app.
- I was on the bus for 2 stops before the ticket inspector came on, and issued the ticket. An estimated 3-4 minutes. Given the circumstances outlined above, it was not enough time for me to reach the driver to ask how to purchase a dog ticket.
- Lastly, the ticket inspector himself recommended that I appeal the case as he believed it was an unfair circumstance regarding the ticketing app user experience, and that he was only issuing the ticket as his hands are tied by his duties.

And to wrap-up, I'm a design director specialising in the digital design and development of digital applications, websites and products. I am very familiar with what our industry calls dark UX patterns, I suggest the writer of that document does a little googling, but if that's too much to ask of them, I've written contextually relevant description for their benefit below:

*Dark UX refers to practices that manipulate user behavior for the benefit of the business, often at the expense of the user's best interest. These tactics include misleading layouts, hidden costs, and aggressive prompts that exploit cognitive biases to drive actions like undesired purchases or sign-ups. An example of dark UX is how Movia require users to buy a child's ticket for their dog without clearly indicating it's a requirement. These tactics exploit user assumptions and cognitive biases to increase ticket fining fees for vulnerable people or people naive to existing rules, these fees carry a higher financial benefit for Movia than*



*the original ticket itself, therefore reducing the urgency from the business to correctly indicate this within their app, or just simply adding a pet specific ticket in their CMS.*

Hope this helps. I would like to pursue this case, as I believe they should fix this within their app, it's not costly to do (I know from experience), and would avoid this from happening to someone else. If they require you to buy a ticket for your dog, you should be able to buy a ticket specifically for your dog. It's very simple."

### **Hertil har indklagede bemærket:**

*"Due to how busy the bus was, me having a dog and carrying furniture, I could not make my way to the driver (who was busy driving at the time...) to enquire about how to purchase a dog ticket, which I was trying to actually do, as I'm fully aware you need to pay for a dog. I was attempting to find the ticket on the app to pay for my dog whilst travelling on the bus, and actually asked the inspector before the fine was issued, how to find the dog ticket, because I was confused by the dark UX patterns on the ticketing app.*

*I was on the bus for 2 stops before the ticket inspector came on, and issued the ticket. An estimated 3-4 minutes. Given the circumstances outlined above, it was not enough time for me to reach the driver to ask how to purchase a dog ticket."*

We do not understand that the bus should have been especially busy. It was a late Tuesday evening with only 19 passengers inside and the bus was no more than a half minute late according to the tour overview.

Passager tal

19

As mentioned in the case presentation, we think that there are much and useful guidance available on the internet about travel regulations. When travelling with a dog, a passenger must have at least gotten the idea that it is not free to bring a dog on a bus.

We also think that complainant could have placed his furniture and asked the driver in case he had been interested in ensuring whether he needed a ticket for his dog or not. As the transport system in Denmark is based on self-service solely, it is expected that customers seek guidance when being in doubt of anything related to their journey.

*"Lastly, the ticket inspector himself recommended that I appeal the case as he believed it was an unfair circumstance regarding the ticketing app user experience, and that he was only issuing the ticket as his hands are tied by his duties."*

When a disagreement arises on the bus regarding a fee, it is normal procedure that the inspectors inform the customers on how to complain about their fee. It de-escalates the conflict in the situation and has nothing to do with that the fee is incorrectly issued.

*"And to wrap-up, I'm a design director specialising in the digital design and development of digital applications, websites and products. I am very familiar with what our industry calls dark UX patterns, I suggest the writer of that document does a little googling, but if that's too much to ask of them, I've written contextually relevant description for their benefit below:*

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*Hope this helps. I would like to pursue this case, as I believe they should fix this within their app, it's not costly to do (I know from experience), and would avoid this from happening to someone else. If they require you to buy a ticket for your dog, you should be able to buy a ticket specifically for your dog. It's very simple."*

Again, we want to point out that anyone who travels in a foreign travel system must try to become familiar with the travel rules. We refer to the previously mentioned ways to be aware of the travel system.

Finally, we emphasize that we do not think that the responsibility has been overhanded to Movia for complainant's lacking ticket. We refer to the official website where it is stated how to purchase tickets for animals. "

På ankenævnets vegne



Lone Bach Nielsen  
Nævnensformand