

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

- Journalnummer:** 24-0349
- Klageren:** XX
Italien
- Indklagede:** Movia
CVR-nummer: 29 89 65 69
- Klagen vedrører:** Kontrolafgift på 1.000 kr. grundet manglende billet om bord på Havnebussen. Movia har frafaldet de to kontrolafgifter til klagerens børn, hvorfor det kun er klagerens kontrolafgift, der behandles
- Parternes krav:** Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at hun inden rejsen til Danmark havde undersøgt på www.Visitcopenhagen.com, at man kunne købe billetter om bord, hvis man havde mønter
- Indklagede fastholder kontrolafgiften
- Ankenævnets sammensætning:** Nævnensformand, dommer Lone Bach Nielsen
Vibeke Myrtue Jensen
Rolf Høymann Olsen
Helle Berg Johansen
Dorte Lundqvist Bang

Ankenævnet for Bus, Tog og Metro har på sit møde den 20. februar 2025 truffet følgende

AFGØRELSE:

Movia skal frafalde kontrolafgiften på 1.000 kr. og skal som tilsluttet trafikselvskab betale 10.000 kr. i sagsomkostninger til ankenævnet, jf. vedtægterne § 25, stk. 2.

Da klageren har fået medhold i klagen, tilbagebetales klagegebyret, jf. ankenævnets vedtægter § 24, stk. 2.

-oOo-

Hver af parterne kan anlægge sag ved domstolene om de forhold, som klagen har vedrørt. Klageren henvises til at søge yderligere oplysning om eventuel bistand i forbindelse med sagsanlæg fx på www.domstol.dk, www.advokatnoeglen.dk og /eller eget forsikringselskab om eventuel forsikringsretshjælp.

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SAGENS OMSTÆNDIGHEDER:

Klageren, der er italiener, var på ferie i København med sine to børn. Den 24. juni 2024 skulle hun og børnene med Havnebussen fra stoppestedet, Det Kongelige Bibliotek.

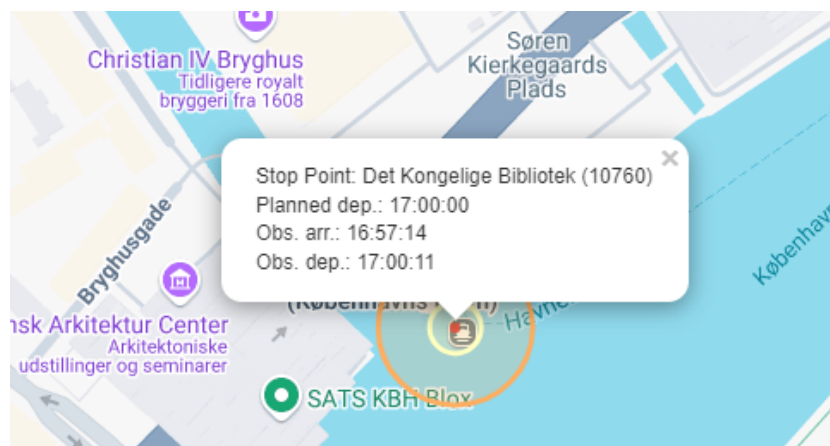
Sejlsplan for Havnebus 992:

Retning

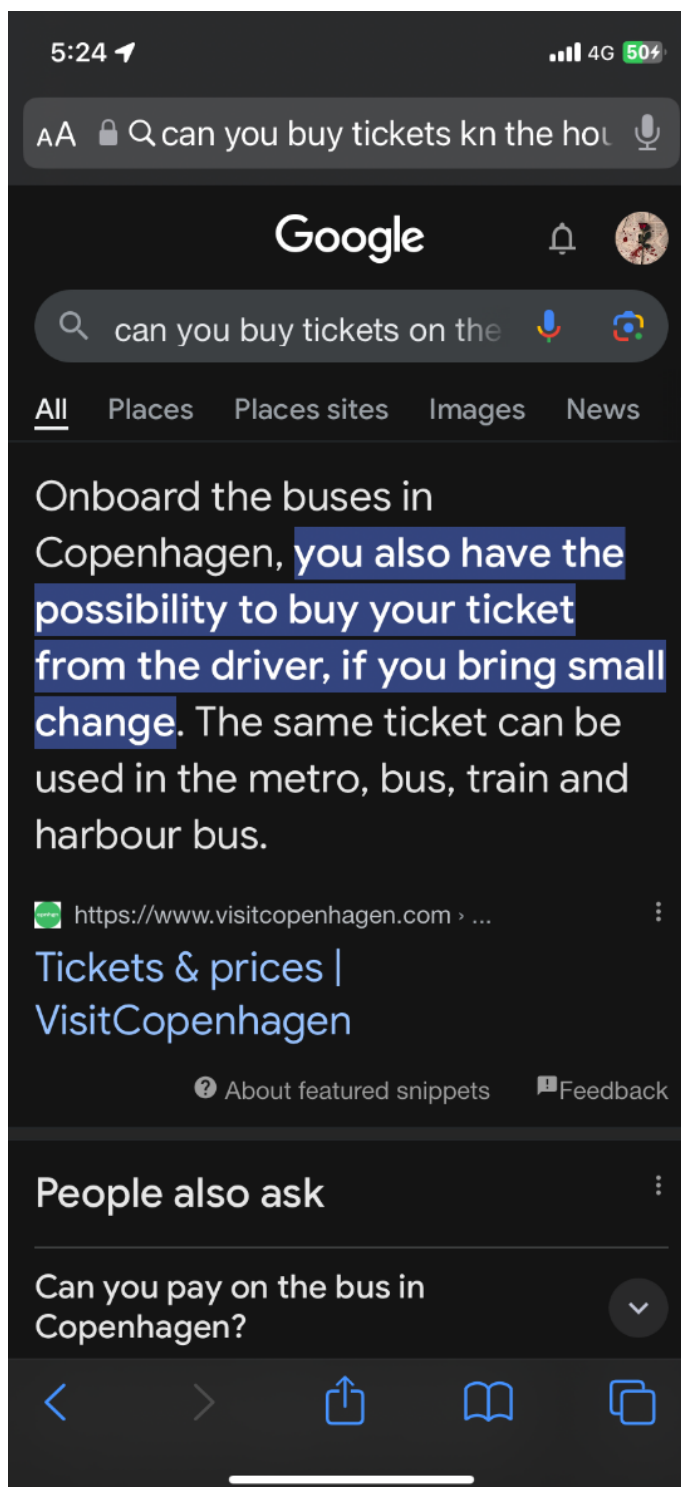
Rute	Zone	Stoppesteder
Teglhølmens Sydkaj	1	Teglhølmens
Engbrogade		Engbrogade
Islands Brygge		Islands Brygge Syd
		Bryggebroen
Københavns Havn		Det Kongelige Bibliotek
		Knippelsbro
		Nyhavn
		Operaen
		Nordre Toldbod
Refshalevej		Refshaleøen
Orientalkaj		Orientalkaj St.



Ifølge GPS ankom Havnebussen til stoppestedet kl.16:57:14 og afgang derfra kl. 17:00:11:



Ifølge klageren havde hun forinden undersøgt på google, om man kunne købe billetter ombord på Havnebussen, og var blevet henvist til teksten på www.visitcopenhagen.com:



Klageren var derfor af den overbevisning, at hun kunne købe billet ombord, når hun havde mønter, og hun bad sine børn om at tage plads, mens hun kontaktede kontrolløren straks efter deres påstigning. Her fik hun at vide, at billetter skulle købes inden påstigning, og da hun sagde, at de kunne stige af, fordi de ikke havde travlt, sagde kontrolløren, at de skulle vente. Først da Havnebussen havde forladt kajen, kom kontrolløren tilbage, og hun udstedte en kontrolafgift til dem hver på 1.000 kr., i alt 3.000 kr.

Fra DOT's hjemmeside:

Her køber du billet til havnebussen

DOT Billetter app

I DOT Billetter app kan du købe kort og billetter. Du betaler du med betalingskort eller MobilePay.

[DOT Billetter app →](#)

SMS-billet

Send din startzone '1' i en SMS efterfulgt af din kundetype fx 'v' (for voksen) til 1415. Du betaler over din telefonregning.

[SMS-Billet →](#)

Rejsekort

Check dit rejsekort ind og ud på havnebussens rejsekortautomat.

[Gå til rejsekort.dk →](#)

På havnebussen

Du kan købe en billet med kontanter hos personalet i havnebussen, så længe der er byttepenge.

Spørgsmål om havnebusserne

Kan du ikke finde svar her, så ring til os på 7015 7000. Vi er her for at hjælpe dig.

Hvor sejler havnebusserne?



Kan jeg købe billetten, når jeg stiger ombord?



Ja, du kan godt købe billetten på havnebussen, men husk at medbringe kontanter – og ikke for store sedler.

Ifølge Movias elektroniske kontrolafgift, som kontrolløren indtastede, steg kontrolløren ombord ved stoppestedet, Bryggebroen kl. 16:48, og kl. 17:05 blev kontrolafgiften udstedt til klageren, som den sidste af de tre.

Movias elektroniske kontrolafgift:

Zone	001
Linje	992
Bus nummer (Gåseddel)	8817
Køretøjs nummer	
Endelig destination	
Stop ID	46205
Stop	Bryggebroen
Påstigning	24-06-2024 16:48:46
Udstedt dato/tid	24-06-2024 17:05:21
Stået af	24-06-2024 17:33:11
Passager tal	59
Kontrol spørgsmål stillet	Nej
Kunden har forespurgt chauffør	Nej
Jeg har forespurgt chauffør	Nej
Kort inddraget	Nej
Sprog	Dansk
Årsag	Ingen billet fremvist
Bemærkning	
Id forevist	Andet ID
Id nummer	
Id udstedelsesdato	-
Billeder	Billede 1 [Andet ID]
Tidsforbrug	1m 38s

Samme dag, den 24. juni 2024, anmodede klageren Movia om at annullere de 3 kontrolafgifter og gjorde gældende:

"Bus line: 992

Where did you board the bus?: Black diamond

Where did you get off the bus?: Nordre Toldbod

I have talked to the chauffeur about my ticket, when I got on the bus: Yes (describe below)

My inquiry also concerns the conversation with the ticket inspector: Yes (describe below)

What does your inquiry concern?: I'm writing about all the three fines wren above. I arrived in Copenhagen yesterday with my 2 kids. We checked the website visitcopenhagen.com (see picture attached) to understand how things worked here with transport and learned that it was possible to pay the ticket on the bus/boat/metro. In order to be sure, we asked a Danish lady that was near the boat stop, and she confirmed. As soon as we boarded I looked for the person in charge of the tickets, I approached her and ask to buy three tickets. She told me it was not possible, that we had to do it in advance. So I told her that that was not what I've been told and that we would disembark. She told me no, to wait there, and after the boat left the dock, she came back telling me that she had to give me a fine!!! I told her that this is not fair, first of all because I looked for her to pay the tickets (she didn't catch us sneaking in), second because it was written on the website, third because she didn't let us disembark in order to give us the fine! We are just tourist that want to visit your country, and this is not for sure a nice welcome! So i would appreciate if you could understand and cancel these fines, thanks in advance"

Den følgende dag sendte Movia sagen i høring hos kontrolløren og spurgte om:

SPØRGSMÅL

1. Hvor stiger kunderne på? (Der er ikke noteret dette på gå-seddel)
2. Spurgte kunderne straks kontrolløren om billetkøb efter påstigning?
3. Fik kunderne mulighed for kontant billetkøb efter ombordstigning?

Kontrolløren svarede den 26. juni 2024:

"Kunden og hendes 2 børn havde taget plads i havebussen, jeg var ude og billettere udenfor først og derefter går jeg ind og tjekker dem. Kunden fortæller mig at de ikke har billet. Kunden sagde ikke noget med nogle kontanter, kunden sagde bare at de ville købe en billet men var ikke i gang med at købe billetter. Jeg husker ikke hvor de stod på."

Dette fik Movia til at fastholde kontrolafgifterne med begrundelsen, at kontrolløren ikke havde kunnet bekræfte klagerens version af hændelsen:

"We can understand that it can be upsetting to receive an inspection fee. Movia's ticketing system is based on self-service and it is therefore your own responsibility to possess a valid ticket for the entire journey and to be able to show it upon request.

We have talked to the ticket inspector who unfortunately cannot confirm your claim. The ticket inspector has noted, that you had taked seats on the harbour bus, when you were asked to present valid ticket, and that you at this point asked to purchase tickets.

You can order tickets for bus, train and metro via the DOT app. Mobile tickets must be ordered prior to boarding the bus.

If you wish to purchase a cash ticket, you must contact the driver immediately upon boarding the bus or harbour bus. You pass the driver, when you go inside the harbour bus. You have not been able to show valid ticketing on the day in question. It is therefore correct that three inspection fee has been issued."

Klageren skrev derpå, at de var to kvindelige kontrollører, og at kontrolløren måtte have forvekslet dem med en anden kvindelig passager, der ganske rigtigt var siddende i bussen ved kontrollen, og som fik en kontrolafgift:

“The ticket inspector is absolutely lying! There were 2 ladies as inspectors and they had cameras: you can check! Probably she was thinking of another person that she caught after us and was indeed seated! I told my kids to seat while I went to buy the tickets from her! It is so frustrating because I WANTED TO PAY THE TICKETS AND WENT STRAIGHT TO HER! I didn't know I had to go to the driver, I looked for a specific person to do the tickets and went directly to her. And when she told me it was not possible I said we would disembark to buy the tickets and that we would have taken the next one and she let me wait ON PURPOSE till the boat left in order to give me the fine! This is so disrespectful towards us and so not fair, that I refuse to pay.”

Movia sendte derpå kontrollørens svar i sagen og henviste til, at man enten skulle købe mobilbillet inden påstigning eller købe kontantbilletter straks efter påstigning:

“Based on the information we have in the case, unfortunately we cannot confirm your description of the incident. In this case we refer back to the joint national travel regulations, that state, that it is the costumers own responsibility to have a valid ticket for the entire journey. Mobile tickets must be ordered prior to boarding and cash tickets must be purchased directly upon boarding.”

Klageren fastholdt, at den ene kontrollør havde befundet sig inde i Havnebussen og var i gang med andre passagerer, hvilket klageren tålmodigt ventede på med sin pung i hånden, inden hun spurgte kontrolløren om at købe billetter. Hun havde først taget plads i Havnebussen efter, at kontrolløren havde bedt hende derom, mens kontrolløren skulle lave noget udenfor. Først da båden havde forladt kajen kom kontrolløren tilbage, og klageren regnede med, at hun havde været ude for at spørge nogen til råds om, hun måtte sælge billetter:

“When we board the boat she was inside! And I went straight to her waiting patiently that she finished with other people with my purse in my hand ready to buy the tickets! I sat down only after she told me to do so while she went outside to do something! She is such a liar!! She got mad at us because we complained vigorously with her for letting us wait that the boat left the docks in order to give us a fine! We told her immediately when she told us that was not possible to buy tickets on board, that we would disembark and would have taken another one. She said no, wait here. And only when the boat started the journey she came back. We thought she went to ask permission to someone to sell the tickets and were very disappointed when we found out that she let us waited on purpose to give us the fine! She was mad at us because we kept complaining that that was not fair and we wanted to pay. That's why she is lying and that's why I'm strongly against all this!! If I had been in the wrong, I would have paid. But as a mother, I want to teach my kids to be right and to defend our own rights! Again, we didn't do anything wrong, we wanted to pay the tickets, and she has been the one that probably had a bad day, or has something against foreigners, I don't know, and honestly, it's none of my business. But I don't have any intention of paying that (enormous and exaggerated for us) amount of money because of her. I'm sorry. You should choose better your employees!”

Derpå indbragte klageren de 3 kontrolafgifter for ankenævnet, hvor Movia pr. kulance frafaldt de 2 kontrolafgifter til klagerens børn.

SEKRETARIATETS UNDERSØGELSER:

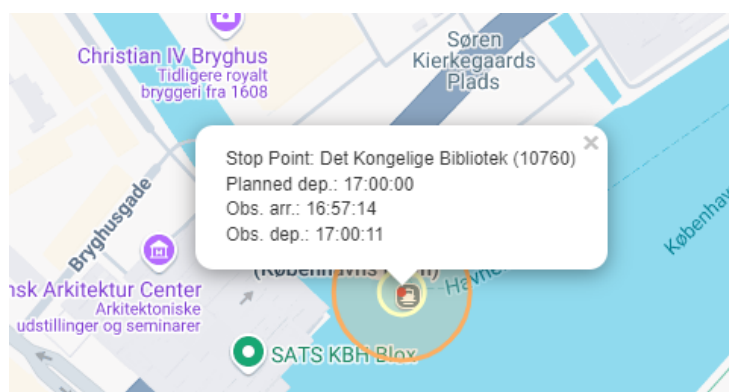
Spørgsmål til Movia:

- 1) Were the complainant's children fined before or after the complainant? If they were fined before, that would explain why 3 minutes passed from departure of the harbor bus until the complainant was fined.
- 2) Does the Harbor busses always have inspectors on board, and does one of them always step out on the quai in order to sell tickets upon request?
- 3) The ticket inspector states that she was outside to ticket the passengers before she entered the Harbor bus, where she saw the complainant and her children sitting in the bus. How is it possible for passengers to even enter a Harbor bus without a ticket, if the inspector always leaves the bus in order to sell tickets on the quai?
- 4) The complainant claims that another woman was seated and was fined on the bus, and that the inspector must have mixed up the two females. Can Movia confirm that the inspector issued a fine to another female passenger on the trip in question just before the inspector asked the complainant for her ticket?

Movia har svaret:

1. "It is absolutely correct that it is not 3 minutes, as the children of the complainant were fined as the first of the three. We apologize that we have presented the interval from the departure of the harbor bus to the issuance as a full 3 minutes. On the other hand, it is about a minute and a half of time.

Her boy was fined as the first of the three at 17:03:22 and it took 1 minute and 38 seconds, which could indicate that 17:01:44 was the start time of the issuance of the family. Therefore, it is rather a matter of a minute and a half from departure to the start of the issuance. The boat departed at 17:00:11.

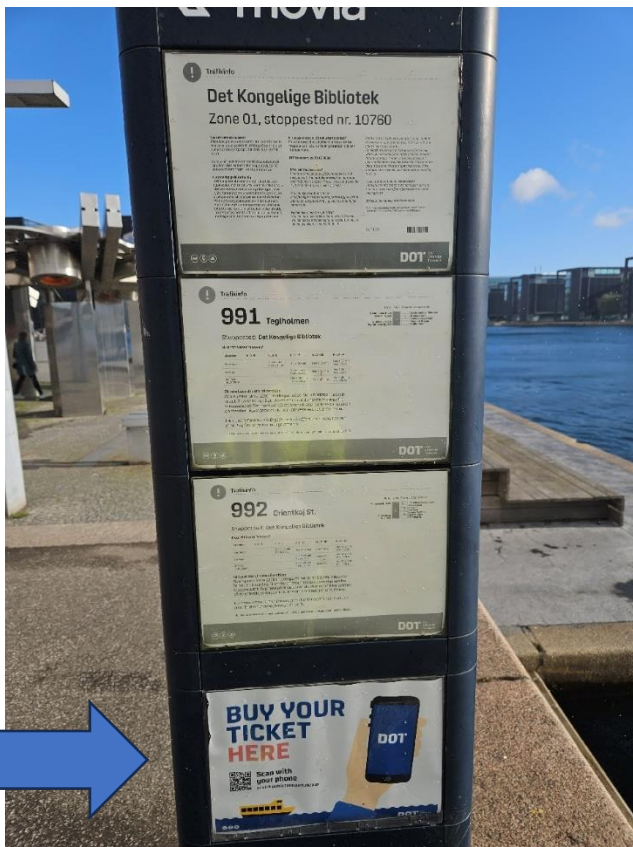


2. First, we refer to the consultation answer from the inspector: "jeg var ude og billettere udenfor først og derefter går jeg ind og tjekker dem."

Inspectors neither sell nor inspect tickets on the quay. As we can see on the picture below, the boat holds against the quay with the rear end at the back when passengers are boarding. Before departure, the inspectors board the boat as the last passengers, and they usually start the inspection by checking the boat outside. "Outside" therefore means outside on the boat. As you can sit both outdoors and indoors on the boat, "outside" here means that the inspector practically starts by inspecting the back of the boat, as they board in this end. When the inspector was inspecting outside the boat, we imagine that the Italian family was sitting further inside the boat.



Movia emphasizes that it is clearly stated in English at the quay on the bus stop how to acquire a ticket.



3. As mentioned in answer # 2, the inspector was not inspecting tickets on the quay before entering the bus. She merely hinted that she was inspecting tickets outside on the boat itself.

We can deny both that cash tickets can be bought at the quay and that inspectors are selling them. As shown above there are instructions in English at the stop.

Cash tickets are sold just inside the door of the boat to the passenger section by the stairs up to the wheelhouse. These tickets are on request to one of the two sailors.

Movia cannot be sure that the family would have bought tickets if there had not been inspectors on board. In the consultation response, we note that the customers were not doing anything active to get a ticket and that they did not even have cash on hand, when the inspector approached.

"Kunden fortæller mig at de ikke har billet. Kunden sagde ikke noget med nogle kontanter, kunden sagde bare at de ville købe en billet men var ikke i gang med at købe billetter."

4. immediately just before and just after the issue of the complaint, a total of 6 passengers received an inspection fee on the same boat.

This applies:

Passengers
Complainant is issued a fine at 17:05:21
The son of the complainant is issued a fine at 17:03:22
The daughter of the complainant is issued a fine at 17:04:03
Another woman of the complainant's age is issued a fine at 16:50:52
A 21-year-old woman is issued a fine at 17:16:49 (Time of issuance = 52 seconds)
A 15-year-old boy.

The only relevant passenger in this consideration was the woman who was issued a fine at 16:50:52. However, this is not relevant at all, as it was issued 10 minutes before the family boarded."

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Således som sagen foreligger oplyst, lægger ankenævnet til grund, at klageren ikke havde købt billet inden påstigning, fordi hun efter oplysningerne på www.visitcopenhagen.com regnede med at kunne købe billetter ombord.

Det fremgår af DOT's hjemmeside og af Movias oplysninger, at kontantbilletter kan købes ombord, og Movia har præciseret, at billetter sælges lige inden for døren til passagersektionen ved trapperne op til styrehuset. Det er ikke oplyst, hvorledes dette er skiltet til passagerne.

Ankenævnet finder klageren oplysninger om hændelsesforløbet lige så sandsynlige som Movias, hvorfor det ikke kan afvises, at klageren tog plads, udelukkende fordi kontrolløren havde bedt dem blive om bord. Kontrollørens oplysning om, at klageren ikke var i færd med at købe billet, modsiger ikke klagerens version af forløbet, idet hun afventede svar på, hvordan de kunne købe billet.

Den omstændighed, at det står anført på stoppestedet, at billet kan købes på DOT-appen, kan ikke betragtes som en oplysning om, at billetten kun kan købes dér. Der er også mulighed for køb af billet om bord.

Efter en samlet bedømmelse af sagens omstændigheder, finder ankenævnet, at kontrolløren ved klagerens henvendelse om køb af billetter burde have vejledt hende om at købe billet, der hvor salget foregår.

Herefter finder ankenævnet, at der i den konkrete sag har foreligget sådanne særlige omstændigheder, at kontrolafgiften til klageren skal frafaldes.

Movia skal som tilsluttet trafikselskab betale 10.000 kr. for sagens behandling.

RETSGRUNDLAG:

Ifølge lov om trafikselskaber § 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, herunder er korrekt checket ind på Rejsekort til deres rejse, skal betale en kontrolafgift på 1.000 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.

I busser, hvor check ind sker om bord, skal check ind ske straks efter påstigning uden unødigt ophold, og inden passageren sætter sig ned.

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 metro-tillæg). Passagerer, der rejser alene på andres Rejsekort Personligt eller med en anden kundetype, end passageren er berettiget til, rejser uden gyldig rejsehjemmel. Kortindehaveren skal altid selv være checket ind på kortet på de rejser, hvor et Rejsekort Personligt benyttes.

PARTERNES ARGUMENTER OVER FOR ANKENÆVNET:

Klageren anfører følgende:

"I'm writing about all the three fines written above. I stayed in Copenhagen at the end of last June with my 2 kids. We checked the website www.visitcopenhagen.com (see picture attached) to understand how things

worked here with transport (as it was our first time in Denmark) and learned that it was possible to pay the ticket on the bus/boat/metro if with cash. In order to be sure, we asked a Danish lady that was near the boat stop, and she confirmed. So we hopped on the bus. As soon as we boarded I looked for the person in charge of the tickets, I told my kids to sit down and I went straight to her. She was inside, I patiently waited that she finished with other people with my purse in my hand ready to buy the tickets! She told me it was not possible, that we had to do it in advance. So I told her that that was not what I've been told and read on the website, but if it was not possible than we would disembark, buy the tickets and take the following boat (we were in no rush). She told me no, to wait there, and disappeared . I thought that maybe, seeing that we were foreigner tourists, she went to ask for an approval to make an exception and sell us the tickets. But no. She waited for the boat to leave the dock, and then came back telling me to give her our Identity Cards to give us a fine!!! I told her that this was not fair, first of all because I looked for her immediately after boarding to pay the tickets (she didn't catch us sneaking in), second because it was written on the website that we could pay on board (and not some influencer's blog, but an official site!), third because she didn't let us disembark in order to give us the fine! We proceeded to show her the website and telling her that if we didn't want to pay the tickets we wouldn't have gone to her with our money in our hand and ask her to pay! Probably she had a bad day or simply doesn't like foreigners, I don't know. Very disappointed and offended by her misjudgment, I asked her the amount of the fine and I was literally almost crying: 3,000 DKK is an enormous amount of money for us: it's a fourth of a normal monthly salary in Italy!! She was very rude and told us that she wasn't there to discuss and that if we had something to say to file a complaint. And that's what I did immediately, of course. We got the reply from Movia that the person in charge said that we sat down and wouldn't want to pay, which is not only a lie it is outrageous! She had a bodycam so please, ask to check it out, I don't have any fear of the truth because she lied! It is completely a false statement. I'm just sorry not to have taken the name or number of other passengers that could support my statement, but honestly, I didn't expect such an outcome? We were just tourists that wanted to visit your country, and enjoy the only 4 days of holidays that I had, and I'm a mom first of all that settles the good example! So I have been really offended by all this. I think we have been mistreated, we were absolutely in good faith and wanted to pay what was due, the tickets. So I would really appreciate if you could understand the situation and all the stress that all this caused ruining our holiday and cancel these fines."

Klageren har skrevet (oversat med chatgpt):

"vi lærte, at det var muligt at betale billetten med kontanter på bussen/båden/metroen. For at være sikre spurgte vi en dansk dame, der stod nær bådstoppen, og hun bekræftede det. Så vi hoppede på bussen. Så snart vi steg ombord, ledte jeg efter den person, der havde ansvaret for billetterne, jeg sagde til mine børn, at de skulle sætte sig ned, og jeg gik direkte hen til hende. Hun var indenfor, jeg ventede tålmodigt, indtil hun var færdig med andre mennesker med min pung i hånden, klar til at købe billetterne! Hun sagde, at det ikke var muligt, at vi skulle gøre det på forhånd. Så jeg sagde til hende, at det ikke var, hvad jeg var blevet fortalt og læst på hjemmesiden, men hvis det ikke var muligt, ville vi gå i land, købe billetterne og tage den næste båd (vi havde ikke travlt). Hun sagde nej, at jeg skulle vente der, og forsvandt. Jeg tænkte, at hun måske, da hun så, at vi var udenlandske turister, gik for at spørge om en godkendelse til at lave en undtagelse og sælge os billetterne. Men nej. Hun ventede på, at båden skulle forlade kajen, og kom så tilbage og fortalte mig, at jeg skulle give hende vores identitetskort for at give os en bøde!!! Jeg sagde til hende, at det ikke var fair, først og fremmest fordi jeg straks efter ombordstigning søgte hende for at betale billetterne, for det andet fordi det stod på hjemmesiden, at vi kunne betale ombord (og ikke på en influencer-blog, men på en officiel side!), for det tredje fordi hun ikke lod os gå i land for at give os bøden! Vi gik videre med at vise hende hjemmesiden og fortalte hende, at hvis vi ikke ville betale billetterne, ville vi ikke være gået hen til hende med vores penge i hånden og bedt hende om at betale!"

Indklagede anfører følgende:

” Movia hereby responds to the complaint regarding inspection fee 24[xxx] issued in the harbour bus 992 on the 24.06.2024 for lacking ticket to complainant. We enclose previous correspondence with the customer, as well as attachments.

[klageren]s two children also received an inspection fee for each. Movia finds that all three inspection fees have been correctly issued, but as a courtesy we chose to waive the inspection fees belonging to the two kids.

Movia maintains that the inspection fee issued to [klageren] is rightly imposed, and we do so on the grounds that she did not present a valid ticket on the inspectors’ inquiry in the bus.

When travelling with cash tickets, the customer has the option to purchase the tickets after boarding, but it must be done immediately and before a seat is taken. When taking a seat, it is expected that the customer can present a valid ticket on request. For mobile tickets it applies that the ticket needs to be received prior to boarding cf. § 2.4.2. For any general information about tickets or other rules regarding the public transport, a customer can always ask the driver/sailor during boarding for any questions.

Movia finds that the inspection fee is rightly imposed in the specific case, since [klageren] boarded the harbour bus and took a seat without even trying to purchase a ticket. When the inspection took place after minutes, complainant was sitting down and could not present any tickets for her and her children.

Movia refers 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 carry a valid travel document. The customer must ensure herself that everything is in accordance with the requirements.

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

Joint National Travel Regulations:

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.....It is possible to buy a travel document in the following ways: • To be able to travel by bus, **a single ticket can be purchased with cash on boarding the bus.***

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.

Inspection fee

The inspector entered the harbour bus 992 at 16:48:46 at Byggebroen.

According to [klageren], they boarded the harbour bus at The Black Diamond, *The Royal Library*, which was 1 stop after Byggebroen.

Bus line: 992

Where did you board the bus?: Black diamond

When the inspector was about to check the ticket of [klageren] and her two children, they did not have any tickets at all to present even though they had taken a seat at the harbour bus.

Once [klageren] had taken her seat inside the harbour bus, her journey had begun, but as she had no tickets to present, she and her children were issued an inspection fee. [klageren]'s fee was issued at 17:05:21.

Stop	Bryggebroen
Påstigning	24-06-2024 16:48:46
Udstedt dato/tid	24-06-2024 17:05:21
Stået af	24-06-2024 17:33:11

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

Årsag	Ingen billet fremvist
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Comments and decision

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 ways to purchase a ticket, zones, customer-type, validity and any general travel rules.

On the tour overview of the bus, we see that the harbour bus departed from The Royal Library, *Det Kongelige Bibliotek*, at 17:00:11. The inspection fee took 1 minute and 38 seconds to issue and was fully issued at 17:05:21, which could indicate that the inspection took place around at 17:03:43. Taking that into account it must mean that complainant stayed about 3 minutes after departure from the stop without any valid travel document, before the inspector reached her.

Tidsforbrug | 1m 38s

#	Stoppested	Stopindikator	Pl. ank.	Pl. afg.	Obs. ank.	Obs. afg.
1	Teglholmen (46206)	● ●	16:32	16:32	16:27:00	16:32:41
2	Enghave Brygge (54304)	● ●	16:39	16:39	16:38:50	16:40:24
3	Islands Brygge Syd (54303)	● ●	16:43	16:43		
4	Bryggebroen (46205)	● ●	16:50	16:50	16:47:56	16:49:27
5	Det Kongelige Bibliotek (10760)	● ●	17:00	17:00	16:57:14	17:00:11
6	Knippelsbro (10761)	● ●	17:04	17:04	17:02:50	17:04:21
7	Nyhavn (10762)	● ●	17:11	17:11	17:12:15	17:14:36

We learn that in the Travel Regulations it is elaborated that drivers can provide guidance if they are properly asked. With that said, it must never be expected that drivers/sailors unmotivated are moving down to the passengers themselves reminding the customers about that a ticket must be bought. It is the customer who must take the initiative to buy 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.

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 purchasing tickets. Since complainant did not seek for guidance regarding tickets immediately on the harbour bus, we think that she should have tried to seek information about it before/ or at least during boarding.

Unfortunately, being a tourist does not excuse anyone from not presenting a valid ticket. We expect that all passengers familiarize themselves with the rules before they board a bus. The Danish Transport System is based solely on self-service which literally means that you must ensure yourself to be able to present a valid ticket all the time on your travel upon request.

Questions to the inspector

Movia received the complaint from [klageren] on the same day as the fine was issued, the 24.06.2024. Based on her complaint, we found it necessary to ask the inspector about the episode.

The following three questions were asked:

1. Hvor stiger kunderne på? (Der er ikke noteret dette på gå-seddel) – *Where did the customers board?*
2. Spurgte kunderne straks kontrolløren om billetkøb efter påstigning? – *Did they immediately ask about ticket purchase after boarding?*
3. Fik kunderne mulighed for kontant billetkøb efter ombordstigning? – *Were they given the option of cash ticket purchases after boarding?*

Movia received the following answer from the inspector:

“Kunden og hendes 2 børn havde taget plads i havebussen, jeg var ude og billettere udenfor først og derefter går jeg ind og tjekker dem. Kunden fortæller mig at de ikke har billet. Kunden sagde ikke noget med nogle kontanter, kunden sagde bare at de ville købe en billet men var ikke i gang med at købe billetter. Jeg husker ikke hvor de stod på”.

Short summary

"The customer and her 2 kids had taken a seat in the harbour bus. I was outside first and then I went inside to check them. The customer tells me that they have not bought any tickets. The customer did not say anything related to cash, she just said that they wanted to buy tickets, but she was not buying any. I do not remember where they boarded."

Considering that the inspector started to check tickets outside and then went inside the harbour bus, testifies to the fact that there was a period of time when the complainant could have made an attempt of purchasing some tickets. We also think that the tour overview bears witness to this.

In the consultation response, we emphasize that complainant had taken a seat and did not request to get tickets before the inspector approached. Furthermore, we relate to the fact that, according to the inspector, nothing about cash was mentioned during the inspection which is a requirement when purchasing cash tickets in all kinds of buses, as payment with credit card is not an option.

Movias conclusion

Movia maintains the inspection fee, as we find that complainant did not do enough to secure tickets to her and her kids when travelling with the harbour bus on the day in question. Since complainant was already sitting in the bus and did not want to buy tickets before the inspector approached, we find that the inspection is rightly imposed.

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 herself and her two children, Movia finds that the inspection fee has been correctly issued.

It could lead to increasing avoidance of payment if it were accepted that a passenger could take a seat and only request for a ticket when approached by an inspector. Then the passenger could take a seat without payment on all journeys without paying and only pay if an inspector appeared. Based on an overall assessment including no special circumstances involved, Movia finds that the fee is correctly issued. In conclusion, we would like to point out that we per ex gratia have waived the two fees of her children, which means that only one fee is maintained."

Hertil har klageren gjort gældende:

" But:

1. I've always said and underlined that I WENT STRAIGHT TO THE INSPECTOR BELIEVING THAT SHE WAS THE TICKET SELLER and not an inspector, to buy our tickets IMMEDIATELY after boarding. I told my kids to sit down to facilitate the boarding procedure but I DID NOT SIT DOWN until she told me to do so!! You ignored completely what I said and so did Movia.
2. I asked you to check the body cam to verify my statement (and that would have solved everything immediately!) and you did not do so, nor did Movia.

3. I told you that we got misleading information from an official web site, but again, both you and Movia ignored that completely.
4. If you tell me that the appeal board decides all cases in favor of Movia, what is the meaning of having an appeal board??

So, I want you to send me the body cam images, and I want you to watch them: YOU WILL CLEARLY SEE that the inspector IS LYING!! (Or she confused me with other people). You will see that when she turned around she found me standing in front of her with my wallet in my hand and asking her to buy the tickets.

And as the fine is based only on this, the fine should be cancelled completely!

It is your job to check the body cam as it holds all the proof necessary that would free me from all charges, but you are avoiding to do so. If you don't want to hear my version and don't want to analyze the evidence, I will ask my lawyer to intervene, but be sure that she will ask you a copy of the footage of the body cam."

Hertil har Movia svaret:

1. *"I've always said and underlined that I WENT STRAIGHT TO THE INSPECTOR BELIEVING THAT SHE WAS THE TICKET SELLER and not an inspector, to buy our tickets IMMEDIATELY after boarding. I told my kids to sit down to facilitate the boarding procedure but I DID NOT SIT DOWN until she told me to do so!! You ignored completely what I said and so did Movia."*

As mentioned in the presentation of the case, complainant did not go directly to the inspector.

The first proof is seen in the notes from the inspector: *"Kunden og hendes 2 børn havde taget plads i havebussen, jeg var ude og billettere udenfor først og derefter går jeg ind og tjekker dem."*

The inspector states that the customer and her 2 kids had taken a seat in the harbour bus. She was outside first to see tickets from other passengers and then she went inside to check complainant and her kids.

Furthermore, she says that nothing related to cash was mentioned during the inspection, which we believe would have been relevant if the complainant had in mind to buy tickets.

Moreover, on the tour overview of the bus, we see that the harbour bus departed from The Royal Library, *Det Kongelige Bibliotek*, at 17:00:11. The inspection fee took 1 minute and 38 seconds to issue and was fully issued at 17:05:21, which could indicate that the inspection took place around at 17:03:43. Taking that into account it must mean that complainant stayed about 3 minutes after departure from the stop without any valid travel document, before the inspector reached her.

Based on the data and notes from the inspector, we cannot see that complainant should have gone immediately to the inspector.

2. *I asked you to check the body cam to verify my statement (and that would have solved everything immediately!) and you did not do so, nor did Movia.*

First of all, Movia does not use video material for cases related to inspection fees.

Based on the correspondence with Movia, we experience that complainant did not mention any desire to see video material until her mail on the 12.08.2024 which was no less than 7 weeks after the issuance of the inspection fee.

We inform complainant that customers themselves can apply for video material by contacting the operator. Unfortunately, any possible video material will be deleted after maximum 30 days, which means that no material of video would have been available anyway on the 12.08.2024. In addition, customer's cannot demand that material will be stored at all.

Applications for video material are made on the customer's own initiative and are out of Movia's hands.

3. *I told you that we got misleading information from an official web site, but again, both you and Movia ignored that completely.*

All necessary information about tickets is available on: <https://dinoffentligetransport.dk/en>

*So, I want you to send me the body cam images, and I want you to watch them: YOU WILL CLEARLY SEE that the inspector IS LYING!! (Or she confused me with other people). You will see that when she turned around she found me standing in front of her with my wallet in my hand and asking her to buy the tickets. And as the fine is based only on this, the fine should be cancelled completely!
It is your job to check the body cam as it holds all the proof necessary that would free me from all charges, but you are avoiding to do so. if you don't want to hear my version and don't want to analyze the evidence, I will ask my lawyer to intervene, but be sure that she will ask you a copy of the footage of the body cam. I wait for your reply.*

As we mentioned, all video material from the 24.06.2024 should have been deleted long ago and already long before complainant asked for it."

Til dette har klageren gjort gældende:

" My level of astonishment is increasing at every email! Movia takes for granted that their inspector is absolutely trustworthy (but is not!). But you know, if a fine is taken into appeal, the first thing Movia should do, is to keep the evidence! But, how strange, they canceled the video just before I mentioned that!! Who knows why... they took more than a month to answer: if they know that the video is canceled in a short time, they should reply earlier!! That's again, their fault, I'm not gonna pay just because they canceled the evidences. Full stop. This is a scam! I went straight to the inspector, as I said, but she was talking (controlling) other passengers, and being a well mannered person, I waited till she finished to ask for the tickets! We never discussed the way of payment because she told me that it was not possible to buy tickets on board. She never mentioned card or cash, but I had them both so that was not the problem! So, again, I'm willing to pay only for the three tickets, nothing more. This is harassment and it is absolutely a shame!"

Til dette har Movia anført:

" Complainant: But, how strange, they canceled the video just before I mentioned that!!

First, we do not know which video material the complainant is referring to. Any video material recorded from the inspector's body cam is automatically deleted after one week. If there are cameras on the boat, it applies that the customer herself must seek access to documents through the operator. Movia cannot demand to obtain any video material, as we do not use video materials for case treating, but we can only appeal to the operator to comply with the legislation on access to documents.

Based on the correspondence with Movia, we experience that complainant did not mention any desire to see video material until her mail on the 12.08.2024 which was no less than 7 weeks after the issuance of the inspection fee on the 24.06.2024. Therefore, it would have been automatically deleted anyway.

Movia has nothing to do with the 30 days rule and points out that the complainant could have requested video material earlier, as we could have assisted her there.

However, we make it clear that there are no rules on how long video material must be retained. It could therefore, in principle, have been deleted the day after the charge, without us having anything to do with it.

Complainant: *they took more than a month to answer:*

The response time depends on, among other things, the volume of cases and any consultation responses.

Complainants are told in the auto reply from Movia, when the complaint is submitted, that it can take up to 6 weeks before you get a response. Complainants have therefore received a response in a timely manner.

Here is the auto response, that [klageren] received from us:

"Hi XXX

We have now transferred your enquiry to our case management system and it has been assigned case number: XXXX.

We are doing everything we can to reply as soon as possible. At the moment it can take up to 6 weeks, until you receive a reply.

Your payment of the inspection fee is still on hold, until we have processed and replied to your enquiry. This means that you do not have to pay your inspection fee, and no reminder fees will be added, until you have received a reply.

*If you wish to add something to your case, please answer this email without changing the subject line.
Kind regards,*



Complainant: *if they know that the video is canceled in a short time, they should reply earlier!! That's again, their fault, I'm not gonna pay just because they canceled the evidences.*

No video material is relevant in our case processing. Video is used either as security for inspectors or in connection with criminal cases by the police.

Since we do not have access to it, we cannot be on target to delete it. Regarding the rest of the complainant's inquiry, we refer to the presentation of the case and our most recently sent comments.”

På ankenævnets vegne



Lone Bach Nielsen
Nævnensformand