

AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

- Journalnummer:** 24-0354
- Klageren:** XX
Wadebridge, UK
- Indklagede:** Metroselskabet I/S v/Metro Service A/S
CVR-nummer: 21 26 38 34
- Klagen vedrører:** Kontrolafgift på 750 kr. grundet køb af mobilbillet efter påstigning
- Parternes krav:** Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gældende, at han ingen intention havde om ikke at købe billet, samt at han var i gang med billetkøbet, da han steg ombord på Metroen
- Indklagede fastholder kontrolafgiften
- Ankenævnets sammensætning:** Nævnshoved, 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:

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

Klageren skal betale beløbet til Metroselskabet I/S v/Metro Service A/S, der sender betalingsoplysninger til klageren.

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

- oOo -

Hver af parterne kan anlægge sag ved domstolene om de forhold, som klagen har vedrørt.

Klageren henvises til at søge yderligere oplysning om eventuel bistand i forbindelse med sagsanlæg fx på www.domstol.dk, www.advokatnoeglen.dk og /eller eget forsikringssselskab om eventuel forsikringsretshjælp.

SAGENS OMSTÆNDIGHEDER:

Klageren, som er bosat i Storbritannien, skulle den 11. august 2024 sammen med sine to sønner rejse hjem fra sommerferie i Norge og i den forbindelse mellemlande i København, hvor de ville tilbringe en enkelt eftermiddag og nat for bl.a. at besøge Tivoli.

For at komme fra deres hotel i Kastrup til centrum, besluttede de at tage Metroen fra Kastrup st., men på stationen var klageren i tvivl om, hvordan han skulle billettere i billetautomaten. En anden passager på stationen foreslog klageren at downloade DOT-appen og købe sine billetter dér, hvilket klageren derpå gik i gang med.

Imidlertid ankom Metroen til stationen før, at klageren havde fået købt billetterne, men han og sønnerne steg alligevel ombord. Her blev de kort efter mødt af en steward, og da klageren ikke kunne forevise en billet, fordi han ikke havde købt og modtaget den på mobiltelefonen, før han steg ombord, således som det er krævet for mobilbilletter, blev han herefter pålagt en kontrolafgift på 750 kr.

Det fremgår af nedenstående elektroniske logs, at Metroen afgang fra Kastrup st. kl. 15:55:04, og at klageren 36 sekunder herefter – kl. 15:55:35 – bestilte mobilbilletterne i DOT-appen. Kl. 15:55:47 påbegyndte stewarden udstedelsen af kontrolafgiften, og ét sekund senere – kl. 15:55:48 – blev mobilbilletkøbet gennemført.

Uddrag af togloggen:

VID	Time	Type	Message	Station	Arrival From
002	11. august 2024 15:56:50	0	Arrival	Femøren	Kastrup
002	11. august 2024 15:55:04	3	Departure	Kastrup	Lufthavnen
002	11. august 2024 15:55:01	2	Close Doors	Kastrup	Lufthavnen
002	11. august 2024 15:54:46	1	Open Doors	Kastrup	Lufthavnen
002	11. august 2024 15:54:45	0	Arrival	Kastrup	Lufthavnen

Billethistorik for mobilbilletkøbet:

Status	Handling	Tidspunkt
Gennemført	Ordre modtaget	11 Aug 2024 - 15:55:35
Gennemført	Betaling gennemført	11 Aug 2024 - 15:55:48
Gennemført	Billet åbnet	11 Aug 2024 - 15:55:53
Gennemført	Download af billet bekræftet	11 Aug 2024 - 15:55:53

Uddrag af den elektroniske kontrolafgift:

```
<FeeDate>2024-08-11T15:55:47.6170000</FeeDate>  
<Line>M1/M2</Line>  
<StationFrom>Kastrup</StationFrom>  
<StationTo>København H</StationTo>  
<Adult>true</Adult>  
<Child>false</Child>  
<NumberOfBikes>0</NumberOfBikes>  
<NumberOfDogs>0</NumberOfDogs>  
<Cause>Modtaget efter påstigning</Cause>
```

Senere samme dag anmodede klageren Metro Service om at frafalde kontrolafgiften med den begrundelse, at stewarden havde set ham færdiggøre mobilbilletkøbet, og at det derfor var tydeligt, at han ikke havde haft intention om at rejse uden billet, og derfor fandt han det grænseoverskridende, at han var blevet pålagt en kontrolafgift i den pågældende situation.

Metro Service fastholdt den 13. august 2024 kontrolafgiften med henvisning til selvbetjeningsstyret og anførte bl.a.:

“The travel rules state that the passenger must be in possession of the ticket before boarding the metro. Additionally, there are signs placed on our stations informing passengers of this requirement.
A ticket purchased after boarding is not valid for that journey.
In this case, the ticket was received after you boarded the metro. Therefore, we maintain that the inspection fee was issued correctly.”

Klageren svarede hertil:

“I understand your response and that you have copied out the guidance from your policy manual. However, any guidance would have been written with a purpose to achieve an objective and I do not believe this is in line with the spirit of the guidance (which is to ensure people pay their fees for the metro).
Additionally, I did not see this guidance highlighted as a clear warning sign to passengers on the platform - but I have later been informed that it would have been buried within a larger body of text somewhere on the platform.
As a result I do not accept the charge and will take this complaint further - please record that in your case notes.”

Herefter indbragte klageren sagen for Ankenævnet.

ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:

Tre medlemmer (Lone Bach Nielsen, Helle Berg Johansen og Dorte Lundqvist Bang) udtaler:

“Således som sagen foreligger oplyst med parternes forklaringer og de elektroniske logs, lægger vi til grund, at klageren ikke havde modtaget mobilbilletten på telefonen inden påstigning på

Metroen, der forlod stationen kl. 15:55:04, eftersom købet først blev påbegyndt kl. 15:55:35 og gennemført kl. 15:55:48.

Dette er et krav i medfør af de Fælles landsdækkende rejseregler pkt. 2.4.2., hvor det anføres, at det er kundens ansvar, at rejsehjemlen er endeligt modtaget på den mobile enhed før påstigning.

Herefter blev kontrolafgiften til klageren pålagt med rette, og da det ikke er en betingelse for at pålægge en kontrolafgift, at passageren bevidst har søgt at omgå rejsereglerne, finder vi, at der ikke har foreligget sådanne særlige omstændigheder, at kontrolafgiften skal frafalde.

Den omstændighed, at klageren ikke havde intention om at rejse uden billet, kan ikke føre til et andet resultat, og klageren burde efter vores opfattelse – før han steg på Metroen – have gjort sig bekendt med betingelserne for billetkøb, herunder at man skal have gyldig billet, når man stiger ombord.”

To medlemmer (Vibeke Myrtue Jensen og Rolf Høymann Olsen) udtaler:

”Som sagsfremstillingen foreligger, finder forbrugerrepræsentanterne, at forbrugeren ikke skal betale kontrolafgiften. Vi har ved vurderingen lagt vægt på, at vilkåret om, at det ikke er lovligt at påstige transportmidlet, før man har modtaget billetten i app’en, er et byrdefuldt vilkår, som ikke har været særligt fremhævet, og dermed må anses for at være ugyldigt. Sådanne byrdefulde vilkår, skal i vores optik fremgå tydeligt af skiltning, samt der hvor købet fortages i app’en og ikke som et underpunkt i handelsbetingelserne.”

Der træffes afgørelse efter stemmeflertallet.

RETSGRUNDLAG:

Ifølge § 2, stk. 1, jf. § 3 nr. 3 i lovebekendtgørelse nr. 686 af 27. maj 2015 om lov om jernbaner, gælder loven også for metroen. Ifølge § 2 i lov nr. 206 af 5. marts 2019 om ændring af lov om trafikelskaber og jernbaneloven fremgår det, at jernbanelovens § 14, stk. 1, affattes således:

»Jernbanevirksomheder, der via kontrakt udfører offentlig servicetrafik, kan opkræve kontrolafgifter, ekspeditionsgebyrer og rejsekortfordringer.«

§ 14, stk. 2 og 4, ophæves, og stk. 3 bliver herefter stk. 2. Stk. 3 har følgende ordlyd:

”Passagerer, der ikke er i besiddelse af gyldig rejsehjemmel, har pligt til på forlangende at forevise legitimation for jernbanevirksomhedens personale med henblik på at fastslå passagerens identitet.”

I de Fælles landsdækkende rejseregler (forretningsbetingelser), som trafikvirksomhederne har vedtaget, præciseres hjemmelen til udstedelse af en kontrolafgift.

Det anføres således bl.a., at passagerer, der ikke på forlangende viser gyldig rejsehjemmel, herunder er korrekt checket ind på Rejsekort til deres rejse, skal betale en kontrolafgift på 750 kr. for voksne.

Det er passagerens ansvar, at rejsehjemlen er endeligt modtaget på den mobile enhed før påstigning. Som passager uden gyldig rejsehjemmel betragtes også passager, der benytter kort med begrænset tidsgyldighed (f.eks. pensionistkort) uden for kortets gyldighedstid, eller hvis andre rejsebegrænsninger ikke overholdes (f.eks. for hvornår cykler må medtages, eller om der er betalt metrotillæg). Passagerer, der rejser alene på andres Rejsekort Personligt eller med en anden kundetype, end passageren er berettiget til, rejser uden gyldig rejsehjemmel. Kortindehaveren skal altid selv være checket ind på kortet på de rejser, hvor et Rejsekort Personligt benyttes.

PARTERNES ARGUMENTER OVER FOR ANKENÆVNET:

Klageren anfører følgende:

" This summer I was delighted SAS started flying between Cornwall where I live and Copenhagen - allowing me a quicker route to visit family in Norway. On our return journey we booked an overnight stay at Kastrup - and with a few hours to spare I thought it a splendid idea to bring my children to Tivoli for the experience. Upon dropping off our suitcases at Scandic airport hotel, we were swiftly directed to the nearest Metro station 'Kastrup'. Everything was going swimmingly, and we were in high spirits.

Upon arrival at the station, I was a bit confused about how to purchase tickets from the machine on the station - but a fellow passenger recommended buying them via the app 'Dot'. On the platform I downloaded the app, received the security code to my phone to start using it - and proceeded to find the right tickets for myself and my two young boys. However, at this point the metro pulled into the station, and my two boys jumped on the train with me in pursuit. Just as I stepped into the carriage and was about to finalise my purchase - a ticket inspector was waiting. He watched me complete the purchase of my ticket but then immediately explained that because I had not completed the purchase on the platform, I was liable for a fine. In my mind, I found that utterly unbelievable and told him I would challenge the fine. In fact, the ticket was more quickly produced to the inspector than I had been looking for it in my pockets.

I subsequently complained to Metro customer services who have now responded stating that I should have been '*...familiarizing yourself with the Joint National Travel Regulations...*' Maybe it was a moment of forgetfulness from passport control that they did not mention that when I first entered the country - or perhaps they had forgotten to put up the signs at Kastrup airport stating that important piece of information. But as a tourist visiting Denmark for ½ day, that was not reading material provided to me on arrival.

Metro customer service also explained that '*The travel rules state that the passenger must be in possession of the ticket before boarding the metro. Additionally, there are signs placed on our stations informing passengers of this requirement.*' I completely understand that people who are clearly attempting to free ride the metro should be fined, but the fact that I had started the purchase process on the platform and completed the purchase process just as I stepped on to the carriage, made it noticeably clear to a reasonable person that I was clearly intending to pay for my fare. Secondly, this strict rule was not clearly visible at Kastrup metro station. I have subsequently been informed that it was there on the station buried in a large body of text. When you are travelling as a single parent with two impatient young boys, it is not reasonable to expect a fleeting visitor to stop at all the information points to read through all the materials to work out what is more important. Instead, a large warning sign would have made this rule clear and easy. Given that the same ticket inspector was on the stop at Kastrup when we returned to our hotel later in the day, would suggest that he and area with poorly informed tourists. As for my own visit to Copenhagen, it ruined my day. I just felt 'robbed', which is a shame when I had made the trouble to spend some extra hours in the Copenhagen to leave money at a local hotel, at Tivoli, local restaurants and the metro (I did pay for those tickets) - which I assume is a good thing for the city.

I really appreciate you reading through my complaint and understand why I felt compelled to escalate the issue. I have great appreciation for laws and regulations, but I have always appreciated that they are there to encourage certain behaviours. For the Metro, it is to discourage free riding on the underground. I think I have demonstrated that this was never my intention - and that should have been clear to the ticket inspector too.

I have attached screenshots of the date I downloaded the DOT app and the date and time of when I purchased the metro tickets.

I have also initiated the complaint fee via international payment. I have used the case reference xx for that. Should my complaint be successful you do not need to repay the Complaint Fee to me. Instead, you can donate it to a local charity of your choosing.”

Indklagede anfører følgende:

”The complainant was met by inspection August 11th, 2024, at 15:55 after the metro has left Kastrup station. As the complainant had not yet received and therefore could not present a valid ticket on his mobile phone an inspection fee was issued.

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

In cases where a valid travel document cannot be presented on request, it must be accepted to pay a control fee, which for an adult amount to DKK 750. This basic rule is a prerequisite for the self-service system that applies to travel by public transport in the Greater Copenhagen area.

We must refer to [the Joint National Travel Regulations](#) where the following rules – among others – are stated:

2.4. Use 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

2.4.2. In particular concerning use of mobile products (delivered via text message or app)

It is the customer's responsibility to ensure that the travel document has been received on the mobile device before boarding. It is not sufficient that the order has commenced.

2.7. Inspection fee

2.7.1. Inspection of travel documents

Customers who do not, when requested, present valid travel documents, including having checked in correctly on Rejsekort for their travel, must pay an inspection fee. This also applies if the customer has purchased a travel document via a mobile device that cannot be inspected, for example if it has run out of power or been broken.

At all metro stations information boards are placed – on the **Rejseinformation / Travel information** it is stated:

Rejseinformation
Travel information

Metroen kører alle dage og netter
The Metro runs 24/7

Hav billetten klar
Have your ticket ready


Børn
Children

Cykler
Bicycles

Dyr
Pets

Kontakt og info
Contact and information

Scan QR-koden
Scan the QR code



Hav billetten klar
Have your ticket ready

Når du rejser med Metroen, skal du altid have gyldigt kort eller billet klar, inden du står på – du kan ikke købe billetter i metrotoget.

Når du køber billet til Metroen, er billetens gyldighedsperiode angivet på billetten. Du kan finde zonekortet på billetautomaterne på stationen, hvor du kan se, om din billet dækker zonerne på din rejse.

Hvis du rejser uden billet, vil du ved kontrol få en afgift. Metroens stewards kan tjekke din billet i toget samt på stationen, efter du har forladt toget.

På visse billetter og kort skal du betale et tillæg for at rejse med Metroen (f.eks. på Rejsekort eller pendlerkort). Du er selv ansvarlig for, at du har købt den rigtige billet, der giver adgang til rejser med Metroen. Læs mere om billetter, tillæg til Metroen og kontrolafgift på www.m.dk.

When you travel by Metro, you must always have a valid card or ticket ready before you board the Metro – tickets are not sold on the Metro.

When you buy a ticket for the Metro, the validity of your Metro ticket will be indicated on the ticket. You can find the zone map on the ticket vending machine at the station. Here you can see whether your ticket covers the zones you need for your trip.

If you travel without a valid ticket, you will be charged an inspection fee. Metro stewards can check your ticket on the Metro and at the station after you exit the Metro.

For certain tickets and passes, you have to pay a supplement for travel by Metro (e.g. for a Rejsekort or commuter card). You are responsible for making sure that you have purchased the correct ticket that provides access to travel on the Metro. Read more about tickets, the supplement for travel by Metro, and inspection fees at www.m.dk.

... and on **Velkommen i Metroen / Welcome to the Metro** it is stated:

Velkommen i Metroen Welcome to the Metro

For at give den bedst mulige rejseoplevelse for alle kunder i Metroen, bedes du overholde følgende ordregtregler:

To provide the best possible travel experience for all passengers, you are required to abide to the following regulations.

! Du kan benytte de gule kontaktpunkter til generelle henvendelser til Metroens kontrolrum og at trykke på den grønne knap, INFO. Ved akut fare skal du trykke på den røde knap, ALARM.

Inquiries in the Metro control room may be made from the yellow intercoms by pressing the green button, INFO. In case of emergency press the red button, ALARM.

! Metrostationer og metrolinjer er lukkede for hunde ift de respondens sikkerhed og tryghed.

For passenger safety reasons, Metro stations and trains are under strict control.

! Rejsen med Metroen kræver gyldigt kort eller billet inden påstigning. Der findes Rejskort- og billetautomater på alle stationer. Biletkontrol kan ske både under rejsen, ved udstigning og på stationen efter endt rejsen. Har du ikke gyldigt kort eller billet udstedes kontrolafgift efter gældende regler.

Traveling on the Metro requires a valid ticket. Tickets are available from ticket vending machines at the stations. Ticket control may be performed during the journey, when leaving the train and at the station after the journey has ended. Passengers boarding a train without a valid ticket will be liable to pay a fare evasion ticket.

! Der er begrænset mulighed for anmodninger til Metroen. Du kan søge om hjælp til rejseplanlægning på dotoffentligtransport.dk. Henvendelse til billet og rejseplanlægning uden for arbejdstid er betalt.

Please find the rules for bringing bicycles with you on the train at publictransport.dk. Booking of bicycle racks designated parking areas is prohibited.

! Hunde kan medtages, hvis de er smør og ikke er til gene for andre passagerer. Det er ikke tilladt medtage hunde i trolde og gader. De håndregler på busstolene, Metroen og bilerne er kun tilladt til brug af passagerer og ikke til reklameformål, reklame, for alle lignende.

Dogs are allowed on trains, provided they are kept on a leash and do not cause inconvenience to other passengers. Only one dog per passenger is allowed. They may be used for disabled people for your dog. Small animals including small dogs travel for free on the Metro if carried in a bag, or transport box intended for that purpose.

! Røgning er ikke tilladt på metrostationer og i metrolinjer. Smoking is not permitted at Metro stations and on Metro trains.

! Fotografering med kommercielt formål på stationer og tog kan kun finde sted med skriftlig tilladelse fra kundeservice.

Photography for commercial purposes at stations and on trains is not permitted without prior written permission from customer service.

! Optagelse med musik og anden underholdning er kun tilladt med skriftlig tilladelse fra kundeservice.

Music performance and other entertainment is not permitted without prior written permission from customer service.

! Rejsende med rygepakke eller anden stor kuffert bedes sive kuffert. Metroens personale har ret til at åbne kufferten, hvis den ikke er lukket, eller hvis kufferten er til gene for de øvrige passagerer. Metroens personale har tilladelse til at åbne kufferten.

Passengers carrying backpacks or other large items of luggage are requested to show consideration for other passengers. The Metro staff may refuse to accept luggage because of insufficient space or if the luggage causes inconvenience to other passengers. The maximum size of luggage is 100x60x30 cm.

! Passagerer anmodes om at følge Metroens regler for ret til at bestige passagerer med hjælp til de handicappede. Dette gælder også på Metroens metrolinjer og på alle Metroens metrolinjer. Der henvises til passagerreglerne for passagerer med særlige behov i forbindelse med Metroens metrolinjer og på alle Metroens metrolinjer.

Passengers are required to follow all instructions given by Metro staff. The Metro staff have the right to assist passengers with disabilities or realize behaviour. Smoking in the Metro area is prohibited. The relevant travel regulations and regulations pertaining to the Railway Act apply. Any harassment of Metro staff will be reported to the police.

! Du kan få hjælp til at rejse med en handicappet ved at kontakte kundeservice. For information about first aid, please contact customer service.

! Ved store aflytninger i toglinjen indtages metrolinjer på den berørte rute. Bemærk ventetid og metrolinjer på stationen.

In the event of major disruption of the Metro service, a bus replacement service will be provided along the affected Metro line. The bus service will be available at the Metro stations.

! Ved akutte driftsforstyrrelser, hvor rejsetiden forlænges med mere end 30 minutter, kan du gøre brug af "Rejseregler" og få tilbagebetaling af regningen til en næste tur. Du kan læse mere om "Rejseregler" på dotoffentligtransport.dk.

In case of unplanned disturbances to the operations, in which your journey is prolonged by more than 30 minutes, you can apply for the "Travel Guarantee" and receive a reimbursement for a full fare. You can read more about "Travel Guarantee" at publictransport.dk.

! Af farebet på Metroens baner og på grund af højere hastigheder og hastigheder og sikkerhed er det ikke tilladt at stå på eller sætte sig på jernbaner og på Metroens metrolinjer. Hvis du ikke holder dig på jernbaner og på Metroens metrolinjer, kan du blive pålagt en straf. Hvis du sætter dig på jernbaner og på Metroens metrolinjer, kan du blive pålagt en straf.

Due to high speeds, standing on the Metro tracks is extremely dangerous and will be reported to the police. If the train has not stopped at a platform, passengers are not allowed to leave the train without permission from the staff. Traveling on the tracks without permission will be reported to the police and passengers will be liable to pay damages for any disruption of services.

! Læs mere om rejseplanlægning på DOTs hjemmeside: dotoffentligtransport.dk

Read more about travel regulations on the website: publictransport.dk

DOT Kundeservice
T: 7015 7000 (vælg metro)
W: dotoffentligtransport.dk

DOT Customer Service
T: 7015 7000 (choose Metro)
W: publictransport.dk

! Du kan benytte de gule kontaktpunkter til generelle henvendelser til Metroens kontrolrum ved at trykke på den grønne knap, INFO. Ved akut fare skal du trykke på den røde knap, ALARM.

Inquiries to the Metro control room may be made from the yellow intercoms by pressing the green button, INFO. In case of emergency, press the red button, ALARM.

! Rejsen med Metroen kræver gyldigt kort eller billet inden påstigning. Der findes Rejskort- og billetautomater på alle stationer. Biletkontrol kan ske både under rejsen, ved udstigning og på stationen efter endt rejsen. Har du ikke gyldigt kort eller billet udstedes kontrolafgift efter gældende regler.

Traveling on the Metro requires a valid ticket. Tickets are available from ticket vending machines at the stations. Ticket control may be performed during the journey, when leaving the train and at the station after the journey has ended. Passengers boarding a train without a valid ticket will be liable to pay a fare evasion ticket.

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T: 7015 7000 (vælg metro)
W: dotoffentligtransport.dk

DOT Customer Service
T: 7015 7000 (choose Metro)
W: publictransport.dk

In accordance with the [Terms and Conditions for the DOT Tickets app](#) the following applies, among other things:

Validity

You must have a valid ticket, monthly pass or activated Commute20 travel day before boarding the bus, train and metro. Tickets or monthly passes are only valid when they are received on the smartphone, are active, and can be presented upon request.

Travel regulations

The journey is subject to the terms and conditions/travel regulations of the traffic company which you travel with including whether there is a travel time guarantee or a travel guarantee, compensation for delays, replacement transportation, liability, refunds, etc.

Ticket inspection

Tickets and monthly passes must be presented to the bus driver when boarding the bus, and to ticket inspectors in the bus, train, or metro. Tickets and monthly passes must be displayed within the app so that the animation icon on the ticket is active. Zones and the date must be visible, and upon request, the control code of the ticket should be both visible and scannable. On request, the phone must be in online mode. Screenshots or other copies of tickets are not accepted as valid travel documents. Valid identification can include a health card, student card, driver's license, and passport, for example.

Since the ticket was not received/downloaded before boarding the metro the inspection fee was correctly issued and subsequent maintain.

Based on the above we maintain demand for payment of the inspection fee of DKK 750."

Indklagede har herudover på sekretariatets anmodning indsendt følgende:

"Togloggen for tog 2 den 11. august 2024:

VID	Time	Type	Message	Station	Arrival From
002	11. august 2024 15:56:50	0	Arrival	Femøren	Kastrup
002	11. august 2024 15:55:04	3	Departure	Kastrup	Lufthavnen
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002	11. august 2024 15:53:45	3	Departure	Lufthavnen	Kastrup
002	11. august 2024 15:53:45	2	Close Doors	Lufthavnen	Kastrup

Udklip fra DOT billet Back Office :

Ordreinformation

Billetinformation

Billetter tilknyttet ordren

Status	Navn	Passenger	Pris
● betalt	Zonebillet (3 zoner)	Voksen	30,00 kr.
● betalt	Zonebillet (3 zoner)	Barn	15,00 kr.
● betalt	Zonebillet (3 zoner)	Barn	15,00 kr.

Orderinformation

KØBSDATO:
11 Aug 2024 - 15:55:48

DOT ORDRENUMMER:
[REDACTED]

BETALINGSMETODE:
Apple Pay

REPAY TRANSAKTIONSNUMMER:
[REDACTED]

OVERFØRT:
Ordre ikke overført

ORDRE PRIS:
60,00 kr.

REFUNDERET BELØB:
0,00 kr.

TILBAGEVÆRENDE BELØB:
60,00 kr.

REFUSIONSDATO:
Ikke tilgængelig

Kundeinformation på købstidspunktet

KUNDEID:
[REDACTED]

E-MAIL:
IKKE OPLYST

FORNAVN:
IKKE OPLYST

EFTERNAVN:
IKKE OPLYST

FØDSELSDATO:
IKKE OPLYST

MODEL:
iPhone 13

OS VERSION:
iOS 17.5.1

APP VERSION:
5.9.1

Ordreinformation **Billetinformation**

Billet information

BILLETTYPE: Zonebillet	PASSAGERTYPE: Voksen
STAMKORTNUMMER: IKKE OPLYST	STARTZONE: 1004
BILLETNUMMER: [REDACTED]	SLUTZONE: IKKE OPLYST
VARENUMMER: 30	ANTAL GYLDIGE ZONER: 4
BILLETSTATUS: Udløbet	GYLDIGE ZONER: 1001, 1002, 1003, 1004
BILLET GYLDIG FRA: 11 Aug 2024 - 15:55:48	SØGEMETODE FRA: Min lokation (55635742, 12646289): Kastrup St. (Ved Stationen)
BILLET GYLDIG TIL: 11 Aug 2024 - 17:25:48	SØGEMETODE TIL: Hurtigkøb: 3 zoner
PRIS: 30,00 kr.	

Billethistorik

Status	Handling	Tidspunkt
Gennemført	Ordre modtaget	11 Aug 2024 - 15:55:35
Gennemført	Betaling gennemført	11 Aug 2024 - 15:55:48
Gennemført	Billet åbnet	11 Aug 2024 - 15:55:53
Gennemført	Download af billet bekræftet	11 Aug 2024 - 15:55:53

... og så skal vi i øvrigt henvisse til det af klageren anførte i sin henvendelse til os:

myself and my two young boys. However, at this point the metro pulled into the station, and my two boys jumped on the train with me in pursuit. Just as I stepped into the carriage and was about to finalise my purchase - a ticket inspector was waiting. He watched me complete

... og efterfølgende tilsvarende i sin henvendelse til Ankenævnet:

passenger recommended buying them via the app 'Dot'. On the platform I downloaded the app, received the security code to my phone to start using it - and proceeded to find the right tickets for myself and my two young boys. However, at this point the metro pulled into the station, and my two boys jumped on the train with me in pursuit. Just as I stepped into the carriage and was about to finalise my purchase - a ticket inspector was waiting. He watched me complete the purchase of my ticket but then immediately explained that because I had not completed the purchase on the platform, I was liable for a

Ankenævnet har tidligere anført, at man er passager og skal være i besiddelse af gyldig rejsehjemmel, når trinbrættet betrædes.

Her lukkede togdørene lukket kl. 15:55:01 og toget afgik kl. 15:55:04 – klagerens billetordre er modtaget kl. 15:55:35 og billetten modtaget 15:55:53, hvilket vil sige, at billetten er åbnet/downloadet næsten 1 minut efter klageren er steget ombord.

Det er efter vores bedste overbevisning således uomtvisteligt, at klageren er steget på toget inden billetten var modtaget, og da vi ønsker at behandle alle ens og ikke skulle ud i, om det er mere legalt at have modtaget en billet x-antal sekunder før eller senere, forholder vi os til fakta, altså at en mobilbillet skal være modtaget på mobilen inden påstigning. Jf. i øvrigt de fælles landsdækkende rejseregler punkt 2.4.2.:

2.4.2. Særligt for mobilprodukter (der leveres via SMS eller app)

Det er kundens ansvar, at rejsehjemlen er endeligt modtaget på den mobile enhed før påstigning.

Det er ikke tilstrækkeligt, at bestillingen er påbegyndt.

I forhold til ankenævnets indledning

"Jeg har nu læst Metro Services begrundelse for at fastholde kontrolafgiften. Men jeg undrer mig over formuleringen, at klageren ikke kunne præsentere nogen billet, fordi han endnu ikke havde modtaget den, samtidigt med, at der er et foto, som stewarden har taget af billetten på klagerens telefon. Klageren kunne derfor præsentere en billet og havde modtaget den på kontroltidspunktet (jeg er klar over, at det er efter påstigningen, som noteret af stewarden, men jeg tror, at begrundelsen vil forvirre)."

skal vi henlede opmærksomheden på, at fra stewarden aktivere sin PDA kl. 15:55:47 (hvilket i øvrigt er inden klageren modtager sin billet på mobilen) og til billetteringssituationen er overstået og stewarden afsender den elektroniske kontrolafgift kl. 16:13:18, er der gået 17 minutter og 31 sekunder, hvilket har givet stewarden god mulighed for at tage et billede af den for sent modtagne billet."

Hertil har klageren bemærket:

"Thank you for your response. I have read the response from the metro company and I understand that their role is to enforce the rules as they are written, and indeed, rules serve a very important purpose. However, I'd like to gently remind them that rules are created by humans to ensure a positive outcome, not merely to be followed in a strict, mechanical way.

Take for example the rule that forbids "stepping on the grass" in parks. The intent, of course, is to preserve green spaces. But would we ticket the squirrel, who is clearly unregistered and completely disregarding park regulations? Or the gardener, who needs to be on the grass to trim it? Or take the rule that says you can only cross at a crosswalk—if an empty street is right in front of us, must we walk three blocks to find a crosswalk?

Surely, the intent behind the metro ticket rule is to make sure passengers contribute to the service they use. I was in the process of doing exactly that! While, yes, technically the purchase wasn't fully complete when I stepped onto the train, it seems my intent was crystal clear. If the purpose of the rule is to ensure fare contribution, I was following it with every bit of good faith. Perhaps we could agree that intent here shines through over timing by a split-second.

I hope we can acknowledge that rules are made by humans to serve a purpose—not decreed by some divine force and thus immune to common sense. After all, a society that values strict adherence to rules over human judgment runs the risk of becoming absurd. Imagine a world where every metro passenger is stopped for accidentally stepping onto a train while holding a half-loaded ticketing app, despite clearly intending to pay! It would be a far cry from the sensible city of Copenhagen we know and love.

I truly hope the appeal board will consider this appeal from the spirit of the law, rather than the letter and would like them to review my case."

Hertil har indklagede bemærket:

”Vi har ikke yderligere at tilføje – klageren købte billetten om bord, hvilket allerede er dokumenteret fuldt ud, og som han selv har anført i sagen.”

På ankenævnets vegne



Lone Bach Nielsen
Nævningsformand