

## AFGØRELSE FRA ANKENÆVNET FOR BUS, TOG OG METRO

- Journalnummer:** 24-0355
- Klageren:** XX  
2665 Vallensbæk
- Indklagede:** Metroselskabet I/S v/Metro Service A/S  
**CVR-nummer:** 21 26 38 34
- Klagen vedrører:** Kontrolafgift på 750 kr. grundet rejse på en mobilbillet, der var videre-  
sendt fra en anden telefon samt et rykkergebyr på 100 kr.
- Parternes krav:** Klageren ønsker, at ankenævnet annullerer kontrolafgiften, og gør gæl-  
dende, at det var hans første dag som immigreret til Danmark, og hans  
fætter havde købt billetten til ham og sendte et foto af den via  
WhatsApp, da klageren endnu ikke havde danske penge eller et dansk  
telefonnummer.
- 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:**

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 -

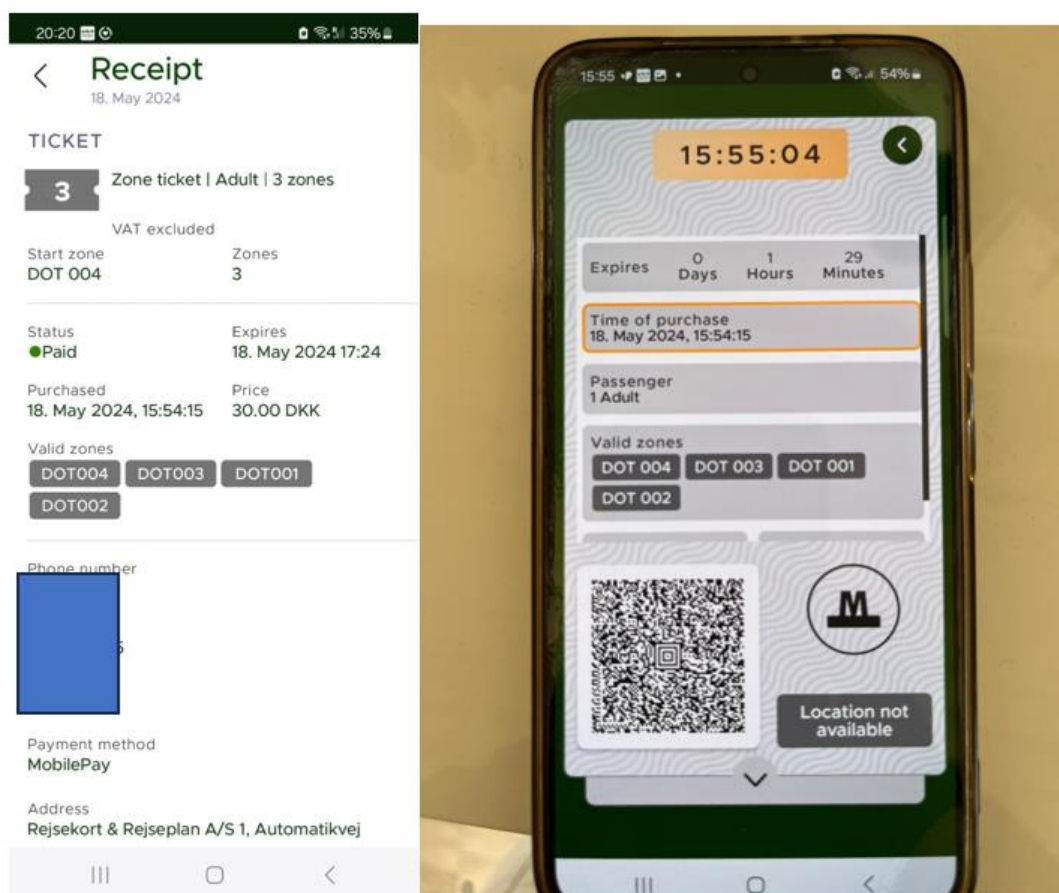
Hver af parterne kan anlægge sag ved domstolene om de forhold, som klagen har vedrørt. Klageren henvises til at søge yderligere oplysning om eventuel bistand i forbindelse med sagsanlæg fx på [www.domstol.dk](http://www.domstol.dk), [www.advokatnoeglen.dk](http://www.advokatnoeglen.dk) og /eller eget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

## SAGENS OMSTÆNDIGHEDER:

Klageren var nytillflyttet til Danmark den 18. maj 2024, hvor han indrejste via Kastrup Lufthavn og fik et stempel i sit pas:



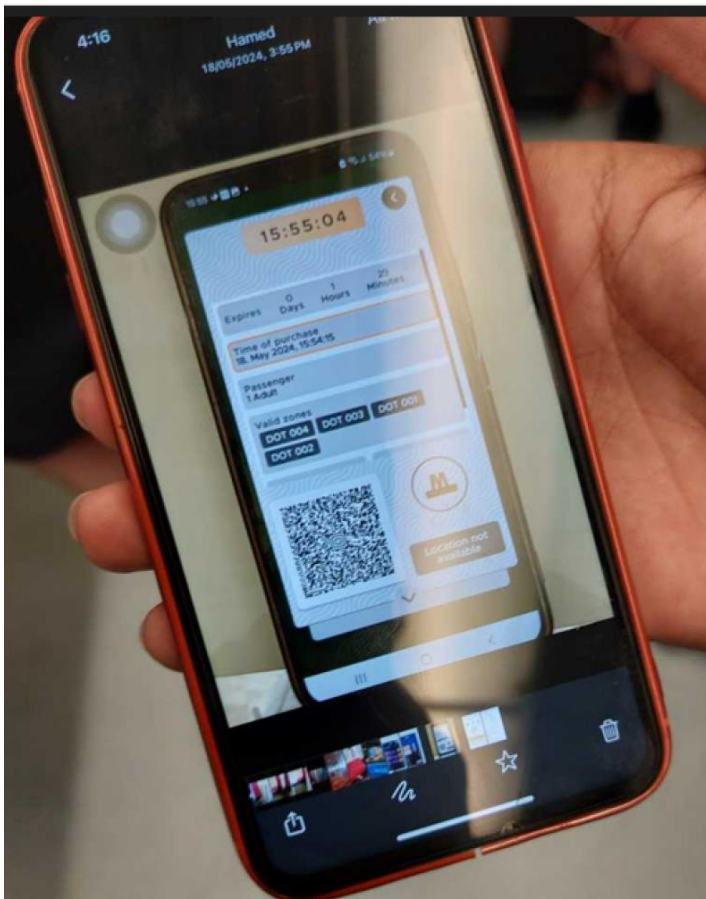
Derefter skulle klageren rejse videre med Metroen, men da han hverken kendte til det danske billetsystem eller havde nogen danske penge, modtog han på sin telefon en videresendt billet fra sin fætter kl. 15:55:04. Billetten var købt fra fætterens telefon kl. 15:54:15 i Rejsebillet-appen og var gyldig fra zone 04 (lufthavnen) i 3 zoner:



Det telefonnummer, som billetten var købt fra, er ifølge KRAK, tilhørende en person på Aalborg-egnen, hvor klageren har oplyst, at hans fætter bor.

Klageren steg derpå om bord på Metroen, men blev ved en efterfølgende kontrol pålagt en kontrolafgift på 750 kr. for at rejse på en ugyldig billet, fordi han foreviste et foto af den videresendte billet.

Stewarden tog et billede af klagerens pas og telefon samt indtastede den elektroniske kontrolafgift til Metro Service kl. 16:15.



```
<FeeDate>2024-05-18T16:15:22.7970000</FeeDate>
<Line>M1/M2</Line>
<StationFrom>Amagerbro</StationFrom>
<StationTo>Flintholm</StationTo>
<Adult>>true</Adult>
<Child>>false</Child>
<NumberOfBikes>0</NumberOfBikes>
<NumberOfDogs>0</NumberOfDogs>
<Cause>Ugyldig</Cause>
<UnequalZones>>false</UnequalZones>
<PaidCash>>false</PaidCash>
<Amount>750</Amount>
<Cancelled>>false</Cancelled>
<ChangedComment/>
<PaymentReceivedByUser/>
<Note/>
<TicketType>Mobilbillet</TicketType>
<SerialNumber/>
<SingleUseTicketStartZone xmlns:xsi='
<SingleUseTicketNumberOfZones xmlns::
<RebateCardNumberOfValidations xmlns
<RebateCardType/>
<RebateCardIsChild>>false</RebateCard:
<PeriodCardZones/>
<PeriodCardType/>
<OtherText>kørt på billedet billet </
```

Klageren betalte ikke kontrolafgiften inden udløbet af betalingsfristen på 14 dage, der fremgik af selve kontrolafgiften, hvorfor Metro Service sendte ham en rykkerskrivelse med et rykkergebyr på 100 kr. den 22. juli 2024 til hans E-Boks:

Date	Description	Reason for issuance (in Danish)	Outstanding amount
18-05-2024	Inspection fee no. 01194406 1 Adult	Ugyldig	750,00
22-07-2024	Fee for payment reminder 1		100,00
	<b>Outstanding amount</b>		<b>DKK 850,00</b>

”

Den 5. august 2024 skrev klageren første gang til Metro Service og bad dem om at annullere kontrolafgiften, idet han havde haft en gyldig billet:

"I am writing to formally dispute the inspection fee notice (No. 01194406) issued to me on 18-05-2024. According to the notice, I was fined for not having a valid ticket. However, I did purchase a valid ticket for my journey on the said date.

Attached to this email, you will find evidence of my ticket purchase, including screenshots of the ticket details and receipt.

- **\*\*Ticket Details\*\***:

- Time of Purchase: 18 May 2024, 15:54:15
- Valid Zones: DOT004, DOT003, DOT002, DOT001
- Expires: 18 May 2024, 17:24
- Ticket Price: 30.00 DKK

- **\*\*Receipt Details\*\***:

- Purchased on: 18 May 2024, 15:54:15
- Order ID: 1000531545
- Payment Method: MobilePay"

Den 8. august 2024 svarede Metro Service, at klageren ikke havde forevist en gyldig billet, fordi billetten kun var gyldig til dét telefonnummer, hvorfra billetten blev købt, og at den ikke måtte videresendes:

"You have received an inspection fee, as you were unable to present a valid ticket during a ticket inspection in the Metro.

I am very sorry, but we are unable to accommodate a reduction or cancellation of the inspection fee.

The travel document is only valid for the phone number to which it was ordered and may not be forwarded and/or shared.

In your case, you presented a photograph and not an actual ticket.

Information regarding tickets, validity as well as the zone system is available in English at all stations on the information boards. Furthermore, there are signs at entry doors alerting passengers that they must have a ticket in their possession prior to boarding.

Of course, you are always welcome to contact the steward on the station or use the yellow call points on all stations to contact our control room, if you require assistance or directions. We are staffed 24 hours a day and are able to assist you over the call point, or send a steward to the station if required. Considering the above, the inspection fee will be maintained and I have attached a new payment form you can use."

Dette fik klageren til at præcisere den 8. august 2024, at hans fætter havde købt billetten til klageren, der ikke havde noget kendskab til billetsystemet, og lige var ankommet til Danmark:

"I would like to provide some context to the situation. My cousin, who is a resident of Denmark, purchased the ticket for me as I had just arrived in the country and was unfamiliar with the local ticketing system. Unfortunately, on the day of the inspection, I presented a photograph of the ticket, as I was under the mistaken impression that it would suffice.

I want to clarify that this was my first day in Denmark, and I was unaware of the requirement to present the actual ticket and not a photograph. I can provide proof of my recent arrival, including a copy of my immigration stamp, to support my claim of being new to the country and unfamiliar with the procedures.

I sincerely apologize for the oversight and any inconvenience caused. I kindly request that you reconsider the inspection fee, taking into account my genuine misunderstanding and the fact that I was new to the country at the time of the incident."

Metro Service svarede den 9. august 2024, at de ikke kunne tage i betragtning, at klageren ikke havde haft intentioner om at undlade at betale for sin rejse, og de fastsatte betalingsfristen til den 23. august 2024:

"I'd like to emphasize, that I do understand that you didn't purposefully try to evade paying for your trip. However, it is not possible for us to take the intention of the passenger and good faith into consideration. Likewise, we cannot make exceptions based on a customer's travel history and previous purchases. That type of distinction is impossible to enforce fairly and consistently both for our stewards, and for ourselves, as we cannot look into a passenger's intent or their previous journeys with any kind of certainty. I've had another look at your case, but must maintain our claim, as the inspection fee is issued correctly.

København d. 09-08-2024

## Payment reminder 1

Date	Description	Reason for issuance (in Danish)	Outstanding amount
18-05-2024	Inspection fee no. 01194406 1 Adult	Ugyldig	750,00
22-07-2024	Fee for payment reminder 1		100,00
	<b>Outstanding amount</b>		<b>DKK 850,00</b>

As you were informed on the inspection fee issued to you, the payment deadline was no later than 14 days from the date of issue. As we have not received payment, we have sent this reminder, and a fee of DKK 100 has been imposed. Please pay the outstanding amount DKK **850,00** no later than **23-08-2024**. If we do not receive payment in full, a second payment reminder will have an additional fee of DKK 100 imposed.

"

Klageren skrev samme dag, den 9. august 2024 til Metro Service, at han ikke havde økonomi til at betale kontrolafgiften, og hvordan de kunne løse det:

"I understand that the inspection fee was issued correctly according to your policies. However, I am currently unable to pay this fee due to financial constraints. I would greatly appreciate it if you could assist me in finding a solution or provide any possible flexibility in this matter. I assure you that this situation was not intentional, and I have always strived to comply with all rules and regulations during my travels."

Metro Service svarede den 12. august 2024, at klageren ikke havde rejst på en billet, men på et foto af en billet, hvilket ikke var gyldig rejsehjemmel, og de fastsatte betalingsfristen til den 26. august 2024:

"The ticket is only valid for the phone number to which it was ordered and may not be forwarded and/or shared.

In your case, you presented a photograph and not an actual ticket. The ticket you've attached screenshots of, is ordered to a phone number not belonging to you.

Further information can be found in the Joint National Travel Regulations

The inspection fee was therefore issued correctly."

## Payment reminder 1

Date	Description	Reason for issuance (in Danish)	Outstanding amount
18-05-2024	Inspection fee no. 01194406 1 Adult	Ugyldig	750,00
22-07-2024	Fee for payment reminder 1		100,00
	<b>Outstanding amount</b>		<b>DKK 850,00</b>

As you were informed on the inspection fee issued to you, the payment deadline was no later than 14 days from the date of issue. As we have not received payment, we have sent this reminder, and a fee of DKK 100 has been imposed. Please pay the outstanding amount DKK **850,00** no later than **26-08-2024**. If we do not receive payment in full, a second payment reminder will have an additional fee of DKK 100 imposed.

Den 12. august 2024 skrev klageren igen til Metro Service og henviste til stemplet i passet, der viste, at han lige var ankommet til Danmark inden metrorejsen. Den 13. august 2024 skrev og ringede klageren til Metro Service, og den 14. august 2024 skrev klageren det samme, som tidligere, og tilføjede, at han var arbejdsløs og ikke kunne betale kontrolafgiften.

Metro Service henviste ham til at indbringe sagen for ankenævnet og fastholdt de hidtidige argumenter for at udstede kontrolafgiften. Videre skrev de, at en upersonlig billet uden navn ikke kunne indsendes efterfølgende med en bankkvittering og nedbringe kontrolafgiften, fordi billetten kunne deles med andre passagerer, uanset hvem, der havde betalt for den. Derudover skrev de, at ikke kunne tage i betragtning, hvor lang tid en passager havde befundet sig i Danmark, da det ville gøre det umuligt at foretage en fair vurdering af de forskellige passagerer:

"As mentioned in our previous emails, we are not able to cancel or reduce the fee, as it was issued correctly.

Also, we are not able to take the intention of the passenger and good faith into consideration. Likewise, we cannot make exceptions based on a customer's travel history and previous purchases, or the amount of time the passenger has been in Denmark.

That type of distinction is impossible to enforce fairly and consistently both for our stewards, and for ourselves, as we cannot look into a passenger's intent or their previous journeys with any kind of certainty."

Parterne fortsatte med at korrespondere i de kommende dage, hvor klageren blandt andet skrev, at han accepterede kontrolafgiften, men var arbejdsløs, hvorfor han ønskede at betale i rater.

Den 19. august 2024 henviste Metro Service til, at det kunne være misbrug at rejse på en videre-sendt billet, jf. de Fælles landsdækkende rejseregler pkt. 2.8.

## 2.8. Misuse of travel document

A travel document may not be misused. It is considered to be misuse, for example, if

- the date or zones have been corrected, or other changes have been made,
- the number on the information card of the Commuter card and the value entries are not identical,
- the travel document has been forged, shared or forwarded,
- the photo on the Commuter card is not attached with an unbroken rivet (eyelet), or the laminated pocket is open,
- the customer travels under a customer category to which the customer is not entitled, or
- the customer travels alone on someone else's Rejsekort Personal. The card holder must always be checked in on the card for trips for which a Rejsekort Personal is used,
- the customer repeatedly presents an expired Commuter card.

Videre skrev de, at det var muligt at betale kontrolafgiften i 3 rater.

19. august 2024 oplyste klageren, at han ikke havde modtaget nogen betalingserindring ud over en rykkerskrivelse, hvor der kommet ekstra 100 kr. på.

Til dette svarede Metro Service, at han ikke havde overholdt betalingsfristen, der fremgik af selve kontrolafgiften, hvorfor der var sendt en rykkerskrivelse til ham:

”

On the inspection fee given to you, it is stated that you must either pay the fee or contact Metro Customer Service no later than 14 days after issue.

The inspection fee was issued on 18-05-2024, and we should have received your payment or inquiry no later than 01-06-2024.

On the 22-07-2024 we sent a payment reminder to your e-Boks, which is why the 100 DKK was added.

”

Herefter indbragte klageren sagen for ankenævnet.

### **ANKENÆVNETS BEGRUNDELSE FOR AFGØRELSEN:**

Det står anført i de Fælles landsdækkende regler pkt. 2.4.2. for mobilprodukter, der leveres via SMS eller app, at rejsehjemlen kun er gyldig på det telefonnummer, hvortil den er bestilt og ikke må videresendes og/eller deles.

Den billet, som klagerens fætter videresendte til klageren, var dermed ikke gyldig som rejsehjemmel for klageren, og kontrolafgiften til klageren for at rejse på en ugyldig billet blev dermed pålagt med rette.

Selv om det var klagerens første dag i Danmark, er det ankenævnets opfattelse, at dette ikke er et grundlag, der fritager klageren for kravet om at kunne forevise en gyldig billet.

Herudover er der en oplagt risiko for omgåelse af pligten til at betale for sin rejse, der vil føre til

tab af billetindtægter hos trafikvirksomhederne, hvis det accepteres, at man kan rejse på kopierede og videresendte billetter/fotos af billetter.

Som følge af det anførte, og da det ikke er en betingelse for at pålægge en kontrolafgift, at passageren bevidst har søgt at omgå rejsereglerne, finder ankenævnet, at der ikke har foreligget sådanne særlige omstændigheder, at kontrolafgiften skal frafaldes.

Metro Service sendte en rykkerskrivelse til klagerens E-Boks den 22. juli 2024, fordi han ikke havde overholdt betalingsfristen på 14 dage, der fremgik af selve kontrolafgiften af den 18. maj 2024.

Metro Service var derfor berettiget til den 22. juli 2024 at opkræve et rykkergebyr på 100 kr., jf. lov om renter ved forsinket betaling § 9 b, stk. 2.

## **RETSGRUNDLAG:**

Ifølge § 2, stk. 1, jf. § 3 nr. 3 i lovbekendtgørelse 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, skal betale en kontrolafgift på 750 kr. for voksne.

I pkt. 2.4.2. står der blandt andet:

”Rejsehjemlen er kun gyldig på det telefonnummer, hvortil den er bestilt og må ikke videresendes og/eller deles.

Dog kan en kundeprofil på RejseBillet app, DSB app eller DOT app overføres til en anden mobiltelefon end den købet er foretaget på 5 gange i mobilproduktets gyldighedstid, eller mobilproduktet kan gendannes på en ny telefon ved bekræftelse af en verificeringsmail. Ved køb af mobilprodukter accepteres betingelserne for det enkelte produkt.”

## **Fra handelsbetingelserne i Rejsebillet:**

### **3.7.**

.....



Kopiering, forfalskning eller ændring af billetter købt via RejseBillet og overførsel til anden person er strafbart. Det er strafbart at rejse på billetter, der er forfalskede eller kopierede. Misbrug kan anmeldes til politiet. Læs nærmere om de mulige øvrige konsekvenser ved misbrug af RejseBillet under afsnittet "Misbrug" længere nede i dette dokument."

.....

## 12. Misbrug

Ved misbrug af RejseBillet forbeholder Rejsekort & Rejseplan A/S sig retten til at:

- Blokere brugere midlertidigt eller permanent fra fremtidigt at kunne benytte appen til billetkøb samt
- Annullere købte billetter

Blokering af brugere fra fremtidigt at kunne benytte appen kan ske midlertidigt (i 1, 3 eller 6 måneder) eller permanent. Vurderingen af, om købte billetter skal annulleres, og om en bruger skal blokeres, samt om det skal ske midlertidigt eller permanent, sker efter en konkret vurdering af det identificerede misbrug. Ved vurderingen af om billetter skal annulleres samt af blokeringens varighed ift. en konkret bruger vil bl.a. omfanget af misbruget og om brugeren tidligere har fået spærret sin adgang til RejseBillet indgå."

### **PARTERNES ARGUMENTER OVER FOR ANKENÆVNET:**

#### **Klageren anfører følgende:**

" I am writing to appeal an inspection fee that I received on my first day in Denmark, on May 18, 2024. I am new to Denmark and was unfamiliar with the process of purchasing metro tickets and exchanging money at the airport.

Upon my arrival, my cousin, who resides in Aalborg, purchased a metro ticket for me using the DOT app and sent it to me via WhatsApp. Since I did not have a Danish phone number or any local currency at that time, I was entirely dependent on my cousin's assistance. I was unaware of the specific ticketing procedures and the need for a valid ticket on my mobile device during the journey.

Attached to this email, I have provided evidence of the ticket that was purchased on my behalf, including the purchase time and validity zones. The screenshots show the details of the ticket, which was valid from the time of purchase.

I kindly request that you review my case, considering the circumstances of my first day in Denmark and my unfamiliarity with the metro system. I am eager to comply with all local regulations and would greatly appreciate your understanding and assistance in this matter."

#### **Indklagede anfører følgende:**

" The complainant received an inspection fee Maj 18<sup>th</sup>, 2024, at 16:15, when the metro had left Amagerbro station - the complainant told the inspector, that he was going to Flintholm.

The inspection fee was issued as the complainant presented a picture of a ticket bought by a 3. person and forwarding to the complainant.

As the appeal and payment deadline of 14 days was not met, a payment reminder was sent and delivered – by e-Boks – to the complainant.

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 amounts 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.

According to the [Joint National Travel Regulations](#) and the [User terms for RejseBillet](#) forwarding or displaying a copy of a ticket is illegal and can be reported to the police as fraud. In this case the complainant's cousin bought and forwarded a ticket by using the RejseBillet app, and not the DOT app, as the complainant has stated.

In the Joint National Travel Regulations, it is among others stated:

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

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

### **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 Rejsekort has been checked in correctly. On receipt of a travel document, the customer must make sure that the single ticket is in accordance with requirements.

#### **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.

... and in the [User terms for RejseBillet](#) it is among others stated:

### 3.7. General Information about ticket and Commuter card Validity in RejseBillet:

Tickets are only valid once they have been received on the mobile device, are active, and can be presented upon request. This must be done before the start of the journey.

A travel day on the Commute20 is only valid once it has been activated in the app, which must be done before the start of the journey.

you lose/forget your mobile device, if it runs out of battery, or you are otherwise unable to display your ticket or have it scanned, for example, due to a cracked screen, you must obtain another valid form of travel authorization before starting your journey. If you fail to do so, you do not have valid travel authorization, and you may be subject to a control fee.

The last boarding must occur before the ticket expires. Upon expiration of your ticket, you can complete the journey within the zones covered by the ticket. However, you cannot transfer to another bus, train, light rail, or metro.

Copying, forging, or altering tickets purchased through RejseBillet, as well as transferring them to another person, is illegal. It is also illegal to travel with counterfeit or copied tickets. Misuse can be reported to the police. Please read further about the potential consequences of misuse of RejseBillet in the "Misuse" section later in this document.

... and

## 5. Inspection

Tickets must be presented to the inspection personnel upon request. The inspection personnel must be able to verify the ticket's validity by scanning the ticket or making a control call to the phone number associated with the ticket. It is therefore your responsibility to ensure that your mobile device is in a condition that allows this. Please note that a cracked screen may prevent a scan of the ticket. For further information about ticket inspection rules, please refer to the Joint National Travel Regulations.

It is of course a very unfortunate situation that the complainant has found himself in, but we do not take into consideration whether a control fee has been issued to a tourist, newcomer to the country, a child, a pensioner etc. - we only deal with the fact that it is the passenger's own responsibility to ensure a valid ticket or card before entering the metro.

Based on the above there is no doubt that the picture of a ticket, the complainant presented to the inspector was not valid as a ticket, and due to this we find the inspection fee correctly issued and subsequently maintained. We therefore maintain our claim of DKK 750 together with the reminder fee, a total of DKK 850.

We will consider whether the case should be reported to the police as fraud - if we decide to do so, the complainant will of course be informed of this."

På ankenævnets vegne



Lone Bach Nielsen  
Nævnshoved