

**REPORT OF GREECE FOR 2003-2005
ON THE IMPLEMENTATION OF THE ESPOO
CONVENTION ON ENVIRONMENTAL IMPACT
ASSESSMENT IN A TRANSBOUNDARY CONTEXT**
for the period mid-2003 to end of 2005

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Date on which report was completed: 15th May 2007

PART I – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

Please provide the information requested below in Part I, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should not be used to describe your experience of applying the Convention, i.e. just the framework for its implementation.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (Art. 2.2).*

The main legal instrument is Law 2540/1997 regarding the Ratification of the Convention. Procedural and other matters are covered by provisions in the following:
Law 1650/1986 as amended by Law 3010/2002: Protection of the environment and harmonization with Dir 97/11/EC;
Common Ministerial Decision (CMD) 11014/703/Φ104/2003: EIA procedure;
CMD 37111/2021/2003: Public participation during EIA process.

TRANSBOUNDARY EIA PROCEDURE

2. *Describe your national and transboundary EIA procedures and authorities (Art. 2.2):*
 - a. *Describe your EIA procedure and indicate which steps of the EIA procedure include public participation.*

In general, the EIA procedure involves the following steps:

- screening and scoping (carried out as a preliminary EIA procedure - public informed of outcome)
- submission of application (including Environmental Impact Study: EIS) to the competent environmental authority
- quality review of submitted documentation
- consultation with other authorities - public participation (concurrently)
- opinions sent to competent authority within specified time period
- EIA decision issued
- publication of decision - public informed.

- b. *Describe how the different steps of the transboundary EIA procedure mentioned in the Convention fit into your national EIA procedure.*

Provisions for the transboundary EIA procedure under the Convention are incorporated within the national structure for EIA by including e.g. transboundary consultations, informing the other concerned Party of the decision taken and any other requirements.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure. Also list the authorities responsible for the domestic EIA procedure, if they are different.*

In regards to the transboundary EIA procedure:
For notification purposes and the transmission of documents: the Ministry of Foreign Affairs.

For EIA procedures and decision making: the Ministry for the Environment, Physical Planning & Public Works.

For the domestic EIA procedure mainly: the central environmental authorities of the Ministry for the Environment, Physical Planning & Public Works and the regional environmental authorities of the country's Regions.

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases under the Convention? If so, name it. If not, do you intend to establish such an authority?*

At present there is no such authority with the responsibility of collecting information on all transboundary EIA cases under the Convention and there are no immediate plans to establish one.

3. *Do you have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

Special provisions may be foreseen in bilateral or multilateral agreements for specific projects.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING EIA UNDER THE CONVENTION

4. *Is your country's list of activities subject to the transboundary EIA procedure equivalent to that in Appendix I to the Convention?*

Yes.

5. *Please describe:*

- a. *The procedures and, where appropriate, the legislation you would apply to determine that an "activity", or a change to an activity, falls within the scope of Appendix I (Art. 2.3), or that an activity not listed should be treated as if it were (Art. 2.5);*

On a national level, all activities listed in Appendix I undergo a mandatory EIA and their changes are screened for such a requirement. When the relative EIA documentation is submitted by the developer, it is the competent environmental authority that determines, on the basis of the information provided, whether the project or activity is likely to cause significant adverse transboundary impacts and thereafter proceeds to conduct a transboundary EIA process.

As regards to proposed activities not listed in Appendix I but likely to cause a significant adverse transboundary impact and thus should be treated as if they were so listed, we may enter into relative discussions with the other concerned Party and determine procedural details on a case by case basis.

- b. *How a change to an activity is considered as a "major" change;*

A change to an activity is assessed as a "major" change through screening, on a case by case examination and in view of the significant differentiation the change might have in regards to the activity's impacts on the environment.

- c. *How such an activity, or such a change to an activity, is considered likely to have a "significant" adverse transboundary impact (Art. 2.5, Guidelines in Appendix III); and*

On a national level, the activities listed in Appendix I undergo a mandatory EIA and changes to these projects are submitted to a screening process in order to assess the potential significance of their environmental impacts. As to whether or not these activities are likely to cause significant adverse transboundary impacts will depend on the nature of the impacts and their extent. In this case, the criteria of Appendix III may be taken into consideration.

- d. *How you would decide whether it is “likely” to have such an impact. (Art. 2.3)*

The likelihood of certain environmental impacts occurring will depend on the type and nature of the proposed activity or project as well as the applied technologies and technics, and is investigated in the EIS, reviewed by the expert/permitter and considered during consultations in the EIA process.

PUBLIC PARTICIPATION

6. *Do you have your own definition of “the public” in your national legislation, compared to Article 1(x)? How do you, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your own public as required in Article 2, paragraph 6?*

"The Public" is defined as the "the interested public", i.e. one or more natural or legal persons, as well as their unions, organisations or groups of representation, that are affected or likely to be affected or the interests of whom are at stake by the decision taking processes for the materialization of the project or activity, including NGOs provided they promote environmental protection.

Details of transboundary EIA procedures (including public participation) may be determined between concerned Parties, or else the national provisions of each Party for public participation are upheld.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

7. *Describe how you determine when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure do you usually notify the affected Party? (Art. 3.1)*

As soon as an application for an EIA has been submitted, the competent environmental authority ascertains whether the proposed project or activity is likely to cause a significant adverse transboundary impact, in which case, it proceeds immediately to notify the affected Party.

8. *Describe how you determine the content of the notification? (Art. 3.2)*

The notification will contain a cover letter, the non-technical summary of the EIS for the proposed project or activity, which includes a description of the proposed project or activity and any information on its potential transboundary impacts, as well as information on the EIA procedure and on the nature of the EIA decision that is likely to be taken. In addition, it will include an invitation to the affected Party to participate in the EIA procedure by supplying their opinion on the EIS, specifying a reasonable timeframe to respond to the notification.

9. *Describe the criteria you use to determine the time frame for the response to the notification from the affected Party (Art 3.3, “within the time specified in the notification”)? What is the*

consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?

The time frame for a response is set on a case by case basis and according to the timeframe for the EIA process as a whole. A lack of response is taken as an indication that there is no intention on behalf of the affected Party to participate in the transboundary EIA.

10. *Describe when you provide relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in Article 3, paragraph 5. Already with the notification or later in the procedure?*

The information referred to in Article 3, paragraph 5, is provided with the notification.

11. *How do you determine whether you should request information from the affected Party (Art. 3.6)? When do you normally request information from the affected Party? What kind of information do you normally request? How do you determine the time frame for a response from the affected Party to a request for information, which should be "prompt" (Art. 3.6)?*

The gathering of all necessary information in order to draft the EIS for a proposed activity or project falls within the responsibilities of the developer and/or consultant.

12. *How do you consult with the authorities of the affected Party on public participation (Art. 3.8)? How do you identify, in cooperation with the affected Party, the "public" in the affected area? How is the public in the affected Party notified (what kinds of media, etc are usually used)? What is normally the content of the public notification? Does the notification to the public of the affected Party have the same content as the notification to your own public? If not, describe why not. At what stage in the EIA procedure do you normally notify the public of the affected Party?*

Discussions between concerned Parties may take place in order to better regulate public participation procedures, but generally matters concerning public participation and the specification of "the public" in the affected Party are dealt with according to the national legal and other provisions of the affected Party. Nevertheless, the contents of the domestic public notification may be sent to the affected Party.

13. *Do you make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and listed on the Convention website at http://www.unece.org/env/eia/points_of_contact.htm?*

Yes, when the occasion occurs.

14. *Do you provide any information to supplement that required by Article 3, paragraph 2? Do you, furthermore, follow the proposed guidelines in the report of the first meeting of the Parties (ECE /MP/2, decision I/4)? If not, in what format do you normally present the notification?*

Additional information may be included, if considered necessary and the guidelines may be followed, albeit not strictly, when the occasion occurs.

QUESTIONS TO AFFECTED PARTY

15. *Describe the process of how you decide whether or not you want to participate in the EIA procedure (Art. 3.3)? Who participates in the decision-making, for example: central authorities, local competent authorities, the public and environmental authorities? Describe the criteria or reasons you use to decide?*

Decisions are usually taken by the competent environmental authorities of the Ministry for the Environment, Physical Planning & Public Works, on a case by case basis, considering

mainly the likelihood, extent and significance of the potential adverse transboundary impacts of the proposed activity.

16. *When the Party of origin requests you to provide information relating potentially affected environment: (a) how do you determine what is “reasonably obtainable” information to include in your response; and (b) describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “promptly” in the context of responding to a request for information? (Art. 3.6)*

"Reasonably obtainable" information would be existing information readily available to the relative authorities. "Promptly" may mean within a requested timeframe, if any, or else as soon as possible.

Article 4

Preparation of the EIA documentation

QUESTIONS TO PARTY OF ORIGIN

17. *What is the legal requirement for the content of the EIA documentation (Art. 4.1)?*

There are national legal provisions for the content of the EIA Documentation i.e. the EIS (set out in Law 1650/1986 as amended by Law 3010/200 and other legislative acts), which include the information described in Appendix II.

18. *Describe your country's procedures for determining the content of the EIA documentation (Art. 4.1).*

Under national legislation, activities listed in Appendix I undergo mandatory scoping, in the context of a preliminary EIA procedure, during which a preliminary EIS that has been submitted by the developer is assessed and following consultations with relevant authorities, the competent authority further specifies the required contents for the EIS of the proposed project or activity.

19. *How do you identify “reasonable alternatives” in accordance with Appendix II, alinea (b)?*

"Reasonable alternatives" will include the "do nothing" case and are the main alternatives examined on a case by case basis by the developer/consultant in the submitted EIS for the project or activity, unless the competent authority requests a different or complementary proposal for alternatives during the EIA process.

20. *How do you identify “the environment that is likely to be affected by the proposed activity and its alternatives” in accordance to Appendix II, alinea (c), and the definition of “impact” in Article 1(vii)?*

"The environment that is likely to be affected by the proposed activity and its alternatives", according to national legislation, will be those components of the environment that are likely to be affected significantly from the particular project or activity.

The impacts considered during an EIA are the main impacts the proposed project or activity is likely to have on the environment, including direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative impacts.

21. *Do you give the affected Party all of the EIA documentation (Art. 4.2)? If not, which parts of the documentation do you provide?*

Usually yes, upon receipt of a positive response to the notification all EIA documentation is provided to the affected Party.

22. *How is the transfer and reception of the comments from the affected Party organized? How does the competent authority in your country (as the Party of origin) deal with the comments? (Art. 4.2)*

Usually any official documents from the affected Party will be transferred through our Ministry of Foreign Affairs to the competent environmental authority within the Ministry for the Environment, Physical Planning & Public Works.

The received comments are taken into consideration by the competent environmental authority during the EIA procedure in the same manner as domestic comments.

23. *Describe the procedures and, where appropriate the legislation you would apply to determine the time frame for comments provided for in the words “within a reasonable time before the final decision” (Art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

The legal time frame for receiving comments from the affected Party cannot exceed the time limit for domestic comments i.e. 35 days, although in practice this is applied in a flexible manner in order to allow for administrative delays. Nevertheless, upon expiration of the prescribed deadline the competent environmental authority must proceed (within 15 days), notwithstanding the receipt of any comments by the affected Party, to the final EIA decision.

24. *What material do you provide, together with the affected Party, to the public of the affected Party?*

As all EIA documentation for the proposed project or activity that is made available to the domestic public is subsequently sent to the affected Party, it should also be made available to the public of the affected Party.

25. *Do you initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

The possibility and details of a public hearing to be held for a proposed project or activity may be discussed between concerned Parties or generally agreed upon through a bilateral agreement for the particular project or activity.

On a national level, although there are no legal requirements for public hearings, they are often held on the developer's initiative, in order to complement the required public participation procedure foreseen in legal provisions. If such a hearing was to be held for a project or activity with transboundary impacts, it would probably be open, at the organiser's discretion, to representatives -including the public- of the affected Party.

QUESTIONS TO AFFECTED PARTY

26. *Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (Art. 4.2)?*

Unless otherwise officially requested or agreed upon after discussions with the Party of origin, the national time frame for comments is observed.

27. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, or with the legislation of the Party of origin, or with ad hoc procedures, or with bilateral or multilateral agreements?*

Unless otherwise agreed upon with a bilateral or multilateral agreement, public participation is organized according to the specifications of our national legislation, i.e. by the respective Prefectural Councils (Prefectures are 2nd level local authorities).

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

28. *At which step of the EIA procedure does the consultation in accordance with Article 5 generally take place? Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of "undue delay", with regard to the timing of entry into consultation? Do you normally set the duration for consultations beforehand? If there seems to be no need for consultation, how do you determine not to carry out consultations?*

The competent authority after having officially received the EIS for the proposed project or activity from the developer, and after having reviewed the documentation for completeness or having requested and received any additional required information and documentation, is obliged within 10 days to forward the EIS file to the appropriate authorities, in order to initiate both domestic as well as transboundary consultations (provided a positive response to notification has been received).

29. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

Consultations take place with relevant authorities (as specified in our national legislation and according to the nature of the proposed project or activity) on a central and local level, as well as "the interested public". The authorities and "the interested public" comment on the EIS content. These consultations are conducted mainly by exchange of written communications, although on occasion, meetings between authorities may take place either on the competent environmental authority's initiative or as a result of the actions of a joint permitting committee.

QUESTIONS TO AFFECTED PARTY

30. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means do you usually communicate in consultations, for example by meeting or by the exchange of written communications? How do you indicate if there is no need for consultations?*

Consultations take place with relevant authorities on a central and local level (depending on the characteristics of the proposed project or activity and the nature and scope of its potential environmental impacts), as well as "the interested public". These consultations are conducted mainly by exchange of written communications, although on occasion, meetings between authorities may take place either on the competent environmental authority's initiative or as a result of the actions of a joint permitting committee. Consultations are obligatory by national legislation.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

31. *Describe what is regarded as the “final decision” to authorize or undertake a proposed activity (Art. 2.3). Do all projects listed in Appendix I require such a decision?*

The "final decision" is a Ministerial or Common Ministerial Decision (CMD) on the approval of environmental terms for the project or activity, i.e. the environmental permit for the project or activity.

32. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity? (Art. 6.1)*

A project's environmental permit constitutes a prerequisite for its development consent.

33. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and public in your country (Art. 6.1)?*

Yes.

34. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (Art. 6.2)*

As soon as the CMD on the approval of environmental terms for the project or activity is issued, the competent environmental authority of the Ministry for the Environment, Physical Planning & Public Works forwards the decision to the affected Party, through our Ministry of Foreign Affairs. The decision contains the considerations and reasons on which it is based.

35. *If additional information comes available according to paragraph 3 before the activity commences, how do you consult with the affected Party? If need be, can the decision be revised? (Art. 6.3)*

The affected Party will be informed accordingly and, if deemed necessary, the decision may be revised.

Article 7

Post-Project Analysis

36. *How do you determine whether you should request a post-project analysis to be carried out (Art. 7.1)?*

A post-project analysis would be requested possibly as a set term in the CMD, depending on the nature and characteristics of the activity and its environmental impacts.

37. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how do you inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to Article 7, paragraph 2?*

If a post-project analysis is foreseen in the decision, it will be accompanied by relevant terms specifying how to inform and consult with the other Party in such a case.

Article 8

Bilateral and multilateral agreements

38. *Do you have any bilateral or multilateral agreements based on the EIA Convention (Art. 8, Appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on Appendix VI and what issues do they cover? If*

publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

There are no agreements based on Art. 8, Appendix VI.

39. *Have you established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No.

Article 9

Research programmes

40. *Are you aware of any specific research in relation to the items mentioned in Article 9 in your country? If so, describe it briefly.*

No, we are not aware of any relative research.

Ratification of the amendments to the Convention and of the Protocol on SEA

41. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Legal processing for the ratification is currently being advanced, but final ratification date is not yet known.

42. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

As above.

43. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

As above.

PART II – PRACTICAL APPLICATION DURING THE PERIOD 2003-2005

Please report on your practical experiences of applying the Convention (not your procedures described in Part I), whether as Party of origin or affected Party. The focus here is on identifying the best practice as well as difficulties Parties encountered in applying the Convention in practice to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve application of the Convention.

CASES DURING THE PERIOD 2003-2005

44. *Do you have any practical experience of applying the Convention in this period (yes/no)? If you do not have any such experience, why not?*

No: no relative cases have occurred up to the end of 2005 regarding Greece, either as a Party of origin or as an affected Party.

45. *Does your national administration have information on the transboundary EIA procedures that were underway during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If you have not provided a list of transboundary EIA procedures in connection with previous reporting, also provide a list of those procedures. If possible, also indicate for each procedure why it was considered necessary to apply the Convention.*

No experience.

46. *Are there other projects than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

No.

47. *Provide information on the average durations of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

No experience.

EXPERIENCE OF THE TRANSBOUNDARY EIA PROCEDURE IN 2003-2005

48. *If you have had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

No experience.

49. *How have you interpreted in practice the various terms used in the Convention, and what criteria have you used to do this? Key terms include the following: “promptly” (Art. 3.6), “a reasonable time” (Art. 3.2(c), Art. 4.2), “a reasonable time-frame” (Art. 5), and “major change” (Art. 1(v)). If you are experiencing substantial difficulties interpreting particular terms, do you work together with other Parties to find solutions? If not, how do you overcome the problem?*

No experience.

50. Share with other Parties your experience of using the Convention. In response to each of the questions below, either provide one or two practical examples or describe your general experience. You might also include examples of 'lessons learned' in order to help others.

a. *How in practice have you identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?*

No experience.

b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How do you determine how much information to include in the EIA documentation?*

No experience.

c. *What methodology do you use in impact assessment in the (transboundary) EIA procedure (for example, impact prediction methods and methods to compare alternatives)?*

No experience.

d. *Translation is not addressed in the Convention. How have you addressed the question of translation? What do you usually translate? What difficulties have you experienced relating to translation and interpretation, and what solutions have you applied?*

No experience.

e. *How have you organized transboundary public participation in practice? As Party of origin, have you organized public participation in affected Parties and, if so, how? What has been your experience of the effectiveness of public participation? Have you experienced difficulties with the participation of your public or the public of another Party? (For example, have there been complaints from the public about the procedure?)*

No experience.

f. *Describe any difficulties that you have encountered during consultations, for example over timing, language and the need for additional information.*

No experience.

g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public.*

No experience.

h. *Have you carried out post-project analyses and, if so, on what kinds of projects?*

No experience.

i. *Do you have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your experiences describing, for example, any bilateral agreements, institutional arrangements, and how practical matters are dealt with (contact points, translation, interpretation, transmission of documents, etc.).*

No experience.

- j. *Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would you like to introduce your case in a form of Convention's fact sheet?*

No experience.

CO-OPERATION BETWEEN PARTIES IN 2003-2005

51. *Do you have any successful examples of how you have overcome difficulties arising from different legal systems in neighbouring countries?*

No experience.

EXPERIENCE IN USING THE GUIDANCE IN 2003-2005

52. *Have you used in practice the following guidance, recently adopted by the Meeting of the Parties and available on-line? Describe your experience of using these guidance documents and how they might be improved or supplemented.*

- a. *Guidance on public participation in EIA in a transboundary context;*

No experience.

- b. *Guidance on subregional cooperation; and*

No experience.

- c. *Guidelines on good practice and on bilateral and multilateral agreements.*

No experience.

CLARITY OF THE CONVENTION

53. *Have you had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in Part I or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which you encounter when actually applying the Convention.*

No experience.

AWARENESS OF THE CONVENTION

54. *Have you undertaken activities to promote awareness of the Convention among your stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

None as yet.

55. *Do you see a need to improve the application of the Convention in your country and, if so, how do you intend to do so? What relevant legal or administrative developments are proposed or on-going?*

Practical experience on the application of the Convention is needed before such issues are addressed.

SUGGESTED IMPROVEMENTS TO THE REPORT

56. *Please provide suggestions for how the report may be improved.*

An improvement on the present questionnaire would be, in terms of content, more straightforward and simpler questions and, in terms of form, enabling spelling and grammar check.