

# U.S. CUSTOMS AND BORDER PROTECTION

## Quick Facts: Administrative Protective Order



### Administrative Protective Order

Pursuant to its statutory and regulatory authority, U.S. Customs and Border Protection collects and generates public and business confidential information during investigations, administrative reviews, and remand proceedings that it conducts in response to allegations of evasion of antidumping and countervailing duties under the Enforce and Protect Act, or EAPA, 19 U.S.C. § 1517. The term “business confidential” is defined in [19 C.F.R. § 165.4\(a\)](#).

CBP is implementing a process to allow authorized parties to access business confidential information subject to an administrative protective order, or APO, for EAPA proceedings. Access to business confidential information is permitted, subject to an APO issued by CBP for EAPA investigations and related administrative reviews, with a separate APO issued for court-ordered remand proceedings. The APO process is designed to protect the confidentiality of the information. CBP may grant, deny, modify, or revoke access to business confidential information, and CBP may set specific conditions for accessing such information.

### Who May Apply?

An “eligible applicant” must be one of the following: 1) a U.S.-licensed attorney admitted to practice before the bar of a United States state, possession, territory, commonwealth, or the District of Columbia, who represents a party to the investigation,<sup>1</sup> and is not employed as in-house counsel to a party to the investigation; or 2) a consultant, expert, analyst, paralegal, or clerical staff employed and/or retained by and working under the direction and supervision of a U.S.-licensed attorney who is authorized to receive business confidential information under the APO.

### Application Process

An eligible applicant must file a letter with CBP to obtain access to business confidential information subject to the APO. The letter includes four parts: (1) a statement, under oath, by the applicant attesting to his/her/their status as an eligible applicant; (2) a request for access to business confidential information under the APO; (3) an agreement, under oath, to be bound by the terms of the APO; and (4) an acknowledgement that a breach of the APO may subject the authorized recipient<sup>2</sup> to sanctions imposed by CBP and/or other legal authorities. The letter must be submitted within 10 business days following day 90 of an investigation. See [CBP’s Administrative Protective Order Handbook](#) for other deadlines.

### EAPA Case Management System

Attorneys representing parties to the investigation may access the administrative record for a case through the [EAPA Portal](#). Once you have created an account or if you have an existing account, please send an email informing the investigators assigned to the case and to [epallegations@cbp.dhs.gov](mailto:epallegations@cbp.dhs.gov), and CBP will finalize your access to the administrative record. Please note that letters requesting access must be received and CBP must approve authorized recipients before providing access to business confidential information in the portal.

### Where can I find more information?

For detailed guidance, please review CBP’s Administrative Protective Order Handbook by visiting [Enforce and Protect Act](#) or contact the EAPA team at [epallegations@cbp.dhs.gov](mailto:epallegations@cbp.dhs.gov).

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<sup>1</sup> “Party(ies) to the Investigation,” pursuant to 19 C.F.R. § 165.1, means the interested party (or parties) who filed the allegation of evasion and the importer (or importers) who allegedly engaged in evasion.”

<sup>2</sup> “Authorized Recipient” is an eligible applicant who meets the APO application requirements set forth by CBP and whom CBP has authorized to receive business confidential information under the APO.

