



# **ADMINISTRATIVE PROTECTIVE ORDER HANDBOOK**

**OFFICE OF TRADE  
PROCEEDINGS UNDER THE ENFORCE AND PROTECT ACT OF 2015  
BEFORE U.S. CUSTOMS AND BORDER PROTECTION**

# **ADMINISTRATIVE PROTECTIVE ORDER HANDBOOK**

## **OFFICE OF TRADE PROCEEDINGS UNDER THE ENFORCE AND PROTECT ACT OF 2015 BEFORE U.S. CUSTOMS AND BORDER PROTECTION**

This handbook is intended to assist in the protection of business confidential (BC) information submitted to or generated by U.S. Customs and Border Protection (CBP) during the course of Enforce and Protect Act of 2015 (EAPA) proceedings. The handbook summarizes the CBP procedures for issuance of an administrative protective order (APO) in an EAPA proceeding and requirements to be employed to protect BC information subject to an APO.

**Version 1 – Effective April 17, 2024**

## **TABLE OF CONTENTS**

- 1. Introduction**
- 2. General Information**
- 3. The APO**
- 4. Definitions**
- 5. The Application Process**
- 6. The APO Authorized Recipient List**
- 7. Labeling Business Confidential Information**
- 8. Types of Information to Which APO Procedures Apply**
- 9. Firm Procedures for Protecting Business Confidential Information Subject to an APO**
- 10. Electronic Business Confidential Information**
- 11. APO Violations**
- 12. Administrative Review**
- 13. Destruction of Business Confidential Information and Certification Requirements**
- 14. Letter Requesting Disclosure of Business Confidential Information Under an APO**

## **1. Introduction**

Pursuant to its statutory and regulatory authority, CBP collects public and BC information during the course of investigations and the administrative reviews that it conducts in response to allegations of evasion of antidumping (AD) and countervailing duties (CVD) under the EAPA, 19 U.S.C. § 1517. CBP may also generate documents containing BC information belonging to any party. Further, BC information may be used in EAPA proceedings resulting from a remand order issued by the U.S. Court of International Trade (CIT).

The term “business confidential” is defined in 19 C.F.R. § 165.4(a).

Consistent with the U.S. Court of Appeals for the Federal Circuit’s decision in *Royal Brush Manufacturing Inc. v. United States*,<sup>1</sup> that CBP must have a process to share proprietary information with the parties to an EAPA investigation, CBP is implementing the procedures described below to establish a process that will allow authorized parties access to BC information subject to an APO in the context of EAPA proceedings. Access to BC 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, all of which are designed to protect the confidentiality of the BC information. CBP has the discretion to grant, deny, modify, or revoke access to BC information, and CBP may set specific conditions in authorizing access to BC information.

Any interested party participating in an EAPA proceeding and requesting BC treatment of its information must agree to the release of such information under the APO during the course of the proceeding.

The handbook provides guidance regarding the APO process for purposes of EAPA proceedings and the terms set forth in the APO; however, nothing in this handbook is intended to override the relevant provisions of law.

## **2. General Information**

### **A. EAPA Case Management System**

In general, to access the administrative record for a case, please go to the EAPA Case Management System (CMS), also known as the EAPA Portal, at <https://eapallegations.cbp.gov/> to register and create an account. Once you have created an account or if you have an existing account, please send an email to the international trade analyst and paralegal assigned to the case and to [eapallegations@cbp.dhs.gov](mailto:eapallegations@cbp.dhs.gov), and CBP will finalize your access to the administrative record.

Please note that letters requesting access to BC information must be received and CBP must approve Authorized Recipients before providing access to BC information in CMS. *See* Section 5 for application process and Section 14 for sample format.

---

<sup>1</sup> *See Royal Brush Mfg., Inc. v. United States*, 75 F.4th 1250 (Fed. Cir. 2023).

## **B. The Entry of Appearance**

All Parties to the Investigation are required to file a formal letter of appearance to be placed on the Public List for the EAPA investigation, the related administrative review if there is a change in counsel from the investigation, or remand proceeding. The letter of appearance must be filed as a separate document from the letter requesting access under the APO. The deadline to submit the letter of appearance is five (5) business days 1) from day 90 after initiation of an EAPA investigation; or 2) where changed circumstances affect an Authorized Recipient's, either attorney or non-attorney, representation of a Party to the Investigation (*e.g.*, reassignment, departure from the firm, switching representation to a new firm, *etc.*), from the change in circumstances; or 3) after the commencement of an administrative review, for new legal counsel; or 4) after the commencement of a remand proceeding. The entry of appearance must be filed using a method specified by CBP.

## **3. The APO**

CBP intends to place an APO on the administrative record of an EAPA proceeding: 1) on day 90 after initiation of an EAPA investigation, or 2) as needed in a court-ordered remand proceeding. The APO contains a list of obligations with which a person to whom BC information is disclosed under the APO must comply. Those obligations include, but are not limited to, agreeing not to divulge BC information to unauthorized persons; using the BC information subject to the APO only for the relevant investigation, related administrative review, and/or related litigation; properly storing and transmitting BC information; and reporting potential and/or observed breaches of the APO. The APO also specifies when and how BC information disclosed under the APO must be returned or destroyed and describes the sanctions that may be imposed for any breaches of the obligations under the APO. APO signatories should carefully read the APO requirements and direct any questions to CBP.

The APO requires recipients of BC information to safeguard all confidential information received in an investigation, administrative review, or a remand proceeding. If, for example, a person subject to the APO receives BC information that was erroneously included in the public version of a submission, both the recipient and the person who made the error must protect the BC information from further disclosure, including by attempting to retrieve copies of the submission from recipients not covered by, or subject to, the APO.

Nothing in the APO or the procedures set forth herein prevents the representative of a party that generated the specific BC information at issue from discussing such information with the generating party.

CBP may revise the APO at any time and may require the parties to re-file an application to be bound by the revised APO.

#### 4. **Definitions**

The following definitions apply:

**“Party(ies) to the Investigation,”** pursuant to 19 C.F.R. § 165.1, means the interested party (or interested parties, in the case of consolidation pursuant to § 165.13) who filed the allegation of evasion and the importer (or importers, in the case of consolidation pursuant to § 165.13) who allegedly engaged in evasion. In the case of investigations initiated based upon a request from a Federal agency, “parties to the investigation” only refers to the importer or importers who allegedly engaged in evasion, and not the Federal agency.

**“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, and is not employed as in-house counsel to a Party to the Investigation<sup>2</sup>; 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 BC information under the APO.

**“Authorized Recipient”** is an Eligible Applicant who meets the APO application requirements set forth by CBP and whom CBP has authorized to receive BC information under the APO.

**“Lead Firm”** is the U.S. law firm that will be the primary point of contact with CBP and that will accept service of all documents for the party it represents where two or more firms independently have access to BC information under the APO for a particular EAPA proceeding.

**“Support Staff”** means paralegals, law clerks, secretaries, and other staff employed or engaged by or on behalf of the applicant’s firm, who work under the supervision of an Authorized Recipient, as well as subcontractors of the firm providing similar Support Staff functions.

**“APO Authorized Recipient List”** is a list of all Authorized Recipients who may access BC information under the APO for a particular EAPA proceeding.

**“Public List”** is a list of Parties to the Investigation who will have access to public documents and public versions of submissions containing redacted BC information for a particular EAPA proceeding.

---

<sup>2</sup> An attorney must be able to verify admission to practice before the bar of a United States state, possession, territory, commonwealth, or the District of Columbia.

## **5. The Application Process**

### **A. Who May Apply**

Only Eligible Applicants, as defined above in Section 4, are permitted to apply for access to BC information under the APO.

### **B. The Letter**

An Eligible Applicant wishing to obtain access to BC information subject to the APO must file a letter requesting such access with CBP. Please *see* Section 14 of this handbook for a sample.

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 BC information under the APO; (3) an agreement, under oath, to be bound by the terms of the APO, including, but not limited to, requirements and limitations regarding access to and disclosure of BC information; and (4) an acknowledgement that a breach of the terms of the APO may subject the Authorized Recipient to sanctions imposed by CBP and/or other legal authorities.

### **C. Deadlines**

Persons wishing to apply for access to BC information under the APO pertaining to an EAPA investigation must file the letter requesting such access no later than ten (10) business days following day 90 after initiation of an investigation.<sup>3</sup> During the course of an EAPA investigation, where changed circumstances affect an Authorized Recipient's, either attorney or non-attorney, representation of a Party to the Investigation (*e.g.*, reassignment, departure from the firm, switching representation to a new firm, *etc.*), the Authorized Recipient must submit a letter describing the changed circumstances and amending the request for access to BC information, if appropriate; such letter must be submitted no later than five (5) business days after such change in circumstances.

For EAPA administrative reviews, unless already an Authorized Recipient, persons seeking access to BC information under the APO must file a letter requesting access no later than five (5) business days after the commencement of an administrative review under 19 C.F.R. § 165.41(i).<sup>4</sup> During the course of an EAPA administrative review, where changed circumstances affect an Authorized Recipient's, either attorney or non-attorney, representation of a Party to the Investigation (*e.g.*, reassignment, departure from the firm, switching representation to a new firm, *etc.*), the Authorized Recipient must submit an amended letter notifying CBP of the changed circumstances and amending the request for access to BC information, if appropriate; such letter must be submitted no later than five (5) business days

---

<sup>3</sup> Upon day 90 after initiation of an investigation, CBP will take interim measures if there is reasonable suspicion that an importer entered covered merchandise into the customs territory of the United States through evasion. CBP will notify the parties via email or by any other means designated by CBP of the deadline to request access to BC information under the APO.

<sup>4</sup> The above-described situation applies to an Eligible Applicant who is new to the EAPA proceeding or who previously did not represent a party to the investigation. Also, CBP will notify participating Parties to the Investigation when an administrative review has commenced.

after the change in circumstances.

For remand proceedings, regardless of whether a Party to the Investigation is represented by the same counsel or firm as represented the Party in the original investigation or administrative review, persons seeking access to BC information under the APO must file a request letter no later than five (5) business days after CBP issues its APO for the remand proceeding.

## **6. The APO Authorized Recipient List**

CBP will establish and maintain a list of Authorized Recipients for each EAPA proceeding (*i.e.*, the APO Authorized Recipient List). All parties must serve BC versions of their submissions to the Authorized Recipients listed in the APO Authorized Recipient List for the applicable EAPA proceeding. Service may be made via the EAPA Case Management System (CMS), also known as the EAPA Portal, or via any other method approved by CBP. If a Party to the Investigation is represented by more than one Authorized Recipient, the APO Authorized Recipient List will designate the lead Authorized Recipient on whom service must be made.

CBP typically provides notice regarding the status of a letter requesting access to BC information under APO or request for amendment within three (3) business days of receipt.<sup>5</sup> Applicants should never assume that they have been authorized to have access to BC information solely upon submission of a letter requesting access. If an applicant has not received notification of authorization within the specified period of time or has questions regarding the APO application status or the APO access status of a party, the applicant should contact the EAPA Operations and Support Branch at [epallegations@cbp.dhs.gov](mailto:epallegations@cbp.dhs.gov).

Individuals are not authorized to receive or disclose BC information subject to the APO until their names are included on the APO Authorized Recipient List that is created and maintained by CBP. Applicants should review the APO Authorized Recipient List to ensure that each individual who applied for APO access is listed. Disclosure of BC information protected by an APO to anyone not included on the APO Authorized Recipient List, even if inadvertent or unintentional, constitutes a violation of the APO. Examples of inadvertent disclosure include providing a BC version of a submission in an EAPA proceeding to a colleague in the same firm who applied but has not been approved for APO access, or service of a submission containing BC information to an applicant from another firm prior to that person's inclusion on the APO Authorized Recipient List. The person disclosing BC information protected by an APO bears the burden of ensuring that the recipient of such BC information is included on the APO Authorized Recipient List prior to disclosure.

## **7. Labeling Business Confidential Information**

Proper labeling of submissions that contain BC information is crucial to avoid APO violations. All documents containing BC information should be clearly marked with the notation, "Business Confidential Version." All BC information must be enclosed in brackets. *See* 19 C.F.R. § 165.4(a)(1).

---

<sup>5</sup> CBP will notify Authorized Recipients by either email or by placing the APO Authorized Recipient List on the administrative record which parties can access via the CMS.



CBP strongly urges you to label and bracket all BC information (*i.e.*, text, charts, *etc.*) AS YOU WORK. Do not wait until the document is in final form. Waiting until the document is in final form significantly increases the risk of failing to identify BC information. Failure to adequately bracket BC information or to delete BC information in public versions can result in APO violations.

Avoid the use of BC information in footnotes if possible. BC information in footnotes could be overlooked in preparing public versions of a document.

For BC information belonging to another party, you should rely on and use the public summary that the original party provided in the public version of its submission.

Before serving submissions on any party included on the APO Authorized Recipient List, carefully review the BC information and public versions of a document.

CBP will treat the following information, which is generally found in CBP Form 28 (CF-28) issued by CBP, as BC information, and, thus, such information must be bracketed:

- Entry number (except the last four (4) digits)
- Importer of Record number
- Manufacturer/Seller/Shipper Identifier (MID)

Further, the bracketing of information must be consistent with 19 C.F.R. § 165.4(a)(1). At minimum, the following information in the responses must be bracketed, in accordance with the U.S. Court of International Trade's Rule 5.2 (Privacy Protection for Filings Made with the Court): (1) an individual's social-security number, taxpayer-identification number and birth date; (2) the name of an individual known to be a minor; and (3) a financial-account number. Please note that under 19 C.F.R. § 165.4(c), the name and address of an importer against whom the allegation is brought does not constitute BC information.

## **8. Types of Information to Which APO Procedures Apply**

APO procedures apply to BC information submitted to, obtained by, or generated by CBP during the course of an EAPA proceeding. Such BC information may be provided by foreign and U.S. companies, U.S. importers, domestic industry, foreign governments, and other sources, consistent with 19 C.F.R. § 165.4. Some examples are:

- a. Documents identified as BC information for which confidential treatment has been requested by the submitter and granted by CBP. If the status of information claimed as confidential is in question, the information will be treated as confidential until and unless CBP decides that such information is public and the submitter has had the opportunity to resubmit or withdraw it. **Failure to treat information as confidential where there is a dispute over whether it is public may result in an APO violation.**

- b. Documents and electronic media generated by CBP identified as containing BC information.
- c. Documents and electronic media generated by the recipient of BC information subject to the APO that contain BC information of another party.
- d. Documents and electronic data provided to CBP by foreign governments, which may have established criteria for protecting the confidentiality or sources of data shared through intergovernmental channels, and which CBP indicates must be treated as confidential.

BC information submitted in an EAPA investigation, administrative review, or remand proceeding under an APO shall not be used in a separate EAPA proceeding, for example, a different EAPA investigation, unless it is placed on the record of that proceeding by CBP or the party who originally submitted such information. Where any issues regarding the use of BC information in other proceedings arise, please notify and consult with CBP by emailing [epallegations@cbp.dhs.gov](mailto:epallegations@cbp.dhs.gov).

In certain circumstances, CBP may place confidential information on the record of an EAPA investigation or related administrative review that cannot be disclosed under an APO. Such information will be enclosed in double brackets ([[ ]]). Confidential information denoted by double brackets that may not be disclosed under the APO includes: (a) information that requires protection in excess of BC information, such as law enforcement sensitive information; (b) information from a source through a Memorandum of Understanding (MOU) that does not allow for the release of certain information; or (c) as determined by CBP, information where the release thereof would cause substantial and irreparable financial harm or physical harm to a person as a result of disclosure.

In addition, parties may request to submit information to CBP which cannot be disclosed under an APO. This is limited to information where the release of such information would cause substantial and irreparable financial harm or physical harm to a person. An example of the type of information which parties may request not be released under an APO could be the name, or company name, of a foreign market researcher, but not the report generated by the foreign market researcher. Entry documentation, accounting records, production documents, or financial statements generated in the normal course of business are not the type of information which may be withheld from disclosure under the APO.

A party making such a request must provide an explanation as to why this information cannot be released under an APO and provide a statement itemizing those portions of the information which the party believes should not be released under an APO. Such information should be enclosed in double brackets. CBP will review the request and notify the party if its request is approved, denied or must be modified.

When a document contains double-bracketed information, several versions of the document will be created:

- A version labeled “Law Enforcement Sensitive – May Not Be Released Under APO” or “Sensitive Confidential Document – May Not Be Released Under APO” which contains law enforcement sensitive and/or other sensitive confidential information within double brackets. This version will be placed on the record of the EAPA proceeding; however, double-bracketed information will not be visible to the parties.
- A version labeled “Business Confidential/APO Version,” where law enforcement sensitive or sensitive confidential information is redacted and replaced with a public summary of that information, and which will be placed on the record. This version will be releasable to Authorized Recipients.
- A “Public Version,” where all bracketed information is redacted and replaced with a public summary of that information, and which will be placed on the record.

Information enclosed within double brackets will not be released to Authorized Recipients in the EAPA investigation, the related administrative review, or remand proceeding. Such information may be released to a court only, upon appropriate court order.

Law enforcement sensitive information and sensitive confidential information will not be accessible to parties via the EAPA CMS.

The Privacy Act of 1974, 5 U.S.C. § 552a, provides protection to individuals by ensuring that personal information collected by Federal agencies is limited to that which is legally authorized and necessary and is maintained in a manner which precludes unwarranted intrusions upon individual privacy. The Privacy Act prohibits the disclosure of a record about an individual from a system of records absent the written consent of the individual, unless the disclosure is pursuant to one of twelve (12) statutory exceptions. CBP often receives and processes requests for CBP information (*e.g.*, an individual requests a copy of the CBP Form 28, *etc.*). CBP employees review each request prior to disclosure to ensure that all necessary redactions have been completed. This provides protection against inadvertent and unauthorized releases of unredacted information, including any Personally Identifiable Information (PII).<sup>6</sup>

Any interested party seeking BC treatment for factual information submitted in response to CBP’s Request for Information or making a voluntary submission of factual information in an EAPA proceeding must agree to the release of such information under the APO. Interested parties will include a statement in their submissions to CBP agreeing to the release of BC information under the APO. If interested parties believe their information cannot be released under the APO, then they must request permission and provide a clear and compelling need to withhold from disclosure under the APO. If interested parties do not include such a statement or request permission for exception from disclosure under the APO, CBP will reject their

---

<sup>6</sup> PII is any information that permits the identity of an individual to be directly or indirectly inferred, including any other information that is linked or linkable to that individual regardless of whether the individual is a United States citizen, lawful permanent resident, visitor to the United States, or other Federal employee or contractor.

submission.

**9. Firm Procedures for Protecting Business Confidential Information Subject to an APO**

An Authorized Recipient is required to establish and follow procedures to ensure the protection of BC information that is subject to an APO. BC information subject to an APO cannot be released to any person other than the submitting party, an Authorized Recipient, or the appropriate CBP official directly involved in the EAPA proceeding. CBP allows the firms to decide what internal procedures are best for them to ensure that this requirement is met.

**10. Electronic Business Confidential Information**

In order to control access to BC information, firms should ensure that their computer systems restrict access to all computer files containing BC information released under an APO; this may be accomplished, for example, by:

- a. limiting access to Authorized Recipients only, through the use of individual usernames and passwords and any other appropriate security group designations; and
- b. restricting access to the storage devices for computer files containing BC information subject to an APO to Authorized Recipients only.

Firms must be aware of all locations where documents containing BC information released under an APO are electronically stored or stored as a physical copy. This is especially important for those documents which are viewed in the EAPA CMS because most commonly used browsers download viewed files to a temporary location on the user's computer. CBP recommends saving documents and data files that contain BC information to the desired location on the computer and opening the file from the saved location instead of viewing it directly in the EAPA CMS. It is also recommended that EAPA CMS users clear or delete the internet browsing data or history on those computers on a frequent basis.

In order to comply with the destruction requirements specified in the APO of each EAPA proceeding, a firm must be able to identify all storage locations and permanently delete all electronic copies of documents containing BC information subject to an APO. As such, CBP suggests that firms become familiar with their local and/or network systems where such documents are stored.

The firm must ensure that any backup copies, whether maintained on a user's computer (or other device), the firm's network, or cloud storage, comply with the terms of the APO issued in the proceeding and with the destruction requirements.

No BC information in an electronic format may be accessible to persons not authorized to receive access to BC information subject to an APO.

## **11. APO Violations**

CBP makes every effort to preserve the confidentiality of BC information. Consequently, CBP regards any violation of an APO as a serious matter. An Authorized Recipient is required to establish and follow procedures to ensure the protection of BC information that is subject to an APO. Experience at other agencies indicates that, generally, most APO violations are inadvertent. Any potential damage from inadvertent disclosure can be minimized if there are procedures in place to immediately act when such a violation has occurred. This includes notifying the EAPA Operations and Support Branch and other parties on the APO Authorized Recipient List, retrieving improperly served BC information, determining how the violation occurred, and taking steps to remedy the inadvertent disclosure and prevent recurrence.

The procedure for investigating an alleged breach of an APO typically has two steps. First, CBP determines whether a breach has occurred and who is responsible for the breach. This is done after the alleged breaching party(ies) has been provided an opportunity to present its views on the matter. CBP will request that any parties who improperly received BC information submit certifications confirming that they have destroyed the documents in question. Second, if CBP finds that a breach has occurred, the breach investigation may conclude with the issuance of a warning letter to the breaching party(ies), or with remedial APO training if the breach was committed internally. If CBP determines that no breach occurred, CBP will issue a letter so stating.

CBP may issue a private letter of reprimand, which constitutes a sanction. CBP may require an Authorized Recipient who has received a letter of reprimand to meet with CBP officials to discuss their APO procedures and what changes have been made to prevent any future APO violations. CBP expunges the violation from the recipient's record after two (2) years, provided that the recipient has not been the subject of another unexpunged sanction during that two (2)-year period and that the recipient is not the subject of another APO breach investigation before the end of the two (2)-year period. CBP will keep all correspondence with an alleged breaching party confidential.

If a party is involved in more than one breach and demonstrates a pattern of such conduct, CBP may determine that further actions are warranted, and may determine what sanction, if any, to impose. The breaching parties will be provided an opportunity to present their views on the appropriate sanction.

Pervasive breaches may lead CBP to impose additional sanctions such as striking from the record any information or briefs submitted by the offender, denial of further access to BC information in the current EAPA proceeding or any future EAPA proceeding before CBP, or in the case of an attorney, accountant, or other professional, referral to the ethics panel of the appropriate professional association, or possible referral to the United States Attorney.

## **12. Administrative Review**

The APO for the EAPA investigation will automatically extend to an administrative review if one is requested pursuant to 19 C.F.R. § 165.41. Authorized Recipients participating in the

administrative review will continue to have access to BC information in the CMS under the APO. Authorized Recipients representing parties that do not participate in an administrative review must certify that they have destroyed all BC information related to that EAPA investigation within forty-five (45) business days from CBP's notice of determination as to evasion in the investigation phase of the proceeding. Certification of destruction must be filed via the EAPA CMS or by any other method approved by CBP.

### **13. Destruction of Business Confidential Information and Certification Requirements**

The APO requires each Authorized Recipient to destroy BC information received under an APO within forty-five (45) business days from the applicable trigger date. The deadline is intended to not only allow for use of the BC information in an investigation and administrative review, but to give the parties the opportunity to file for judicial protective order access if a party initiates litigation.

Authorized Recipients must submit a certification of destruction to CBP certifying that all documents received and submissions filed during the course of the EAPA proceeding that contain BC information subject to the APO have been destroyed. A certification of destruction must be submitted to CBP no later than forty-five (45) business days after the end of the time authorized by the APO. If no BC information subject to the APO was received during the course of the EAPA proceeding, the Authorized Recipient must so certify and submit the certification to CBP no later than forty-five (45) business days after the end of the time authorized by the APO.

#### **SAMPLE DESTRUCTION CERTIFICATION LANGUAGE**

On behalf of {CLIENT}, the undersigned counsel hereby certify that we have made a good faith effort to determine that all materials released to us under the APO, as well as all other materials containing business confidential information, have been destroyed. We also certify that no copies of such materials were made available to the party(ies) we represent or any other person to whom disclosure was not specifically authorized. In addition, we certify that any and all notes, memoranda, and submissions containing business confidential information obtained under the APO have been shredded and, where so electronically stored, erased from all forms of electronic storage, including any cloud storage. We certify that, to our knowledge, we have destroyed the information in full compliance with the terms of the APO issued in this proceeding.

**14. Letter Requesting Disclosure of Business Confidential Information Under an APO**

**In order to obtain access to business confidential information under the APO, an Eligible Applicant must submit a letter to CBP with the following required information:**

1. State the EAPA case number, the stage of the proceeding, *i.e.*, investigation, administrative review, or remand proceeding.
2. State the attorney and/or non-attorney name, law firm, and the represented Party to the Investigation pursuant to 19 C.F.R. § 165.1.
3. State whether this is an initial request by the firm to be placed on the APO Authorized Recipient List, which contains persons authorized to receive BC information under the APO for a particular EAPA proceeding (*i.e.*, Authorized Recipients), or a request to amend the APO Authorized Recipient List.
4. Request For Information

I request disclosure of all business confidential information under an administrative protective order which will be or has been placed on the record of this proceeding that is releasable under applicable law for the purpose of fully representing my interest/the interests of my client. Such information will be primarily accessible via the EAPA Case Management System (also known as the EAPA Portal), or through any other means that CBP designates.

5. Individual Statements

Provided by Each U.S.-Licensed Attorney Applicant

- A. I **am/am not** (indicate one) an officer of the Party to the Investigation listed in paragraph 2, or of competitors of the person submitting the business confidential information requested in this letter.
- B. I **do/do not** (indicate one) participate in the competitive decision-making activity of the Party to the Investigation listed in paragraph 2, or of competitors of the person submitting the business confidential information requested in this letter. I understand that competitive decision-making activity includes advice on production, sales, operations, or investments, but does not include legal advice provided by outside counsel.
- C. I **do/do not** (indicate one) have an official position or other business relationship other than providing advice for the purpose of this proceeding with the Party to the Investigation listed in paragraph 2, or with competitors of the person submitting the business confidential information requested in this letter.

- D. I **do/do not** (indicate one) currently intend within 12 months after the date on which: 1) the determination as to evasion or related final administrative review determination, or 2) the remand results (indicate one) is/are released to enter into any of the relationships described above in paragraphs 5 A, B and C.
- E. Explain for each applicant any affirmative response to paragraphs 5 A, B, C and D.

6. Provided by Each Non-Attorney Applicant

- A. I am **employed by** a law firm with offices in the United States, representing the Party to the Investigation listed in paragraph 2.
- B. I **am/am not** (indicate one) an officer or employee of a Party to the Investigation listed in paragraph 2, or of any competitors of the submitter of the business confidential information requested in this letter.
- C. I **do/do not** (indicate one) participate in the competitive decision-making activity of the Party to the Investigation listed in paragraph 2, or of competitors of the person submitting the business confidential information requested in this letter. I understand that competitive decision-making activity includes advice on production, sales, operations, or investments, but does not include legal advice provided by outside counsel.
- D. I **do/do not** (indicate one) have an official position or other business relationship other than providing advice for the purpose of this proceeding with the Party to the Investigation listed in paragraph 2, or with competitors of the person submitting the business confidential information requested in this letter.
- E. I **do/do not** (indicate one) currently intend within 12 months after the date on which: 1) the determination as to evasion or related final administrative review determination, or 2) the remand results (indicate one) is/are released to enter into any of the relationships described in paragraphs 6 B, C, and D.
- F. Explain for each applicant any affirmative response to paragraphs 6 B, C, D and E.

AGREEMENT TO BE BOUND

- 7. By filing an application, the applicant shall agree to not divulge any business confidential information disclosed under this APO or otherwise obtained in this proceeding, to any person other than:
  - A. CBP personnel concerned with the proceeding,



- B. The person or agency from whom the business confidential information was obtained, or
  - C. A person whose application for disclosure of business confidential information under this APO has been granted by CBP.
8. The applicant shall agree to use such business confidential information solely for the purpose of the above-captioned proceeding or related remand proceeding.
9. Recognizing the penalties for perjury under the laws of the United States, I affirm that all statements in this letter are true, accurate, and complete to the best of my knowledge. I agree, individually and on behalf of my law firm, corporate law office, or company, to be bound by the terms stated in the APO issued in this proceeding.

INDIVIDUAL SIGNATORIES

10. **ATTORNEY APPLICANT (REQUIRED FORMAT)**

Individual applicant:

(1) \_\_\_\_\_,  
(name of applicant)

of \_\_\_\_\_  
(name and address of law firm)

Recognizing the penalties for perjury under the laws of the United States, I hereby certify that I am admitted to practice law in the following jurisdiction(s) and before the following court(s):

- A. \_\_\_\_\_(list jurisdiction and bar license number and court, as applicable)
- B. \_\_\_\_\_(list jurisdiction and bar license number and court, as applicable)
- C. \_\_\_\_\_(list jurisdiction and bar license number and court, as applicable)
- D. \_\_\_\_\_(list jurisdiction and bar license number and court, as applicable)

(add lines if necessary)

\_\_\_\_\_, \_\_\_\_\_  
(signature) (date)

11. **NON-ATTORNEY APPLICANT (REQUIRED FORMAT)**

Individual applicant:

(1) \_\_\_\_\_  
(name and title of applicant)

under the direction and supervision of the U.S.-licensed attorney listed below.

---

(name of supervising attorney, name and address of firm)

---

\_\_\_\_\_, \_\_\_\_\_  
(signature) (date)

12. The administrative record of the CBP investigation and any related administrative review, or remand proceeding will be accessible through the EAPA case management system (CMS), also known as the EAPA Portal, or any other methods approved by CBP.

The "Lead Applicant" is:

---

The email address to be used for service of the APO Authorized Recipient List is:

---