



AD/CVD Petitions



petition counseling bpi treatment

Treatment of Business Proprietary Information

The U.S. Department of Commerce's Enforcement and Compliance is required by law to protect business proprietary information submitted in an antidumping or countervailing duty proceeding. The Department of Commerce may only disclose business proprietary information to:

- An individual authorized by the Department of Commerce to have access to business proprietary information under the terms of an administrative protective order (APO);
- An employee of the Department of Commerce or the International Trade Commission directly involved in the proceeding in which the information is submitted;
- An employee of the Customs Service directly involved in conducting a fraud investigation relating to an antidumping or countervailing duty proceeding;
- The U.S. Trade Representative as provided by 19 U.S.C. § 3571(i);
- Any person to whom the submitting person specifically authorizes disclosure in writing; and
- A charged party or counsel for the charged party under 19 CFR part 354.

The following factual information is generally regarded as business proprietary information if it is so designated by the submitter:

- Business or trade secrets concerning the nature of a product or production process;
- Production costs (but not the identity of the production components unless a particular component is a trade secret);
- Distribution costs (but not channels of distribution);
- Terms of sale (but not terms of sale offered to the public);
- Prices of individual sales, likely sales, or other offers (but not components of prices, such as transportation, if based on published schedules, dates of sale, product description (other than business or

- trade secrets described above), or order numbers);
- Names of particular customers, distributors, or suppliers (but not destination of sale or designation of type of customer, distributor, or supplier, unless the destination or designation would reveal the name);
 - In an antidumping duty proceeding, the exact amount of the dumping margin on individual sales;
 - In a countervailing duty proceeding, the exact amount of the benefit applied for or received by a person from each of the programs under investigation or review (but not descriptions of the operation of the programs, or the amount if included in official public statements or documents or publications, or the ad valorem countervailable subsidy rate calculated for each person under a program);
 - The names of particular persons from whom business proprietary information was obtained;
 - The position of a domestic producer or workers regarding a petition; and
 - Any other specific business information the release of which to the public would cause substantial harm to the competitive position of the submitter.

Further Information

- See Department of Commerce Regulation 19 CFR. § 351.105 (Revised 2/98).

Note: For general information purposes only. When interpreting and applying the law, please refer to the [Tariff Act of 1930](#), as amended, (19 U.S.C. 1671-1671h, 1673-1673h) and the related regulations in [Title 19 of the Code of Federal Regulations](#).

Counseling Assistance Hotline: (202) 482-1255