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ICC Unveils New Arbitration Rules to Enhance Efficiency and Streamline Proceedings

On May 22, 2026, the International Chamber of Commerce (“ICC”) released its new arbitration rules (the “2026 Rules”), which place greater emphasis on early case management and procedural structuring, increase the availability of expedited procedures, and codify new mechanisms to narrow or resolve disputes at an early stage. In practice, parties may need to define the scope of the case and crystallize key arguments at the outset, while also benefiting from expanded opportunities to reduce time and cost where appropriate. Key changes eliminate burdensome procedural tools, expand expedited procedures, introduce a new highly expedited track, and codify a mechanism for early dismissal of unmeritorious claims. The ICC’s recent rule changes reflect its commitment to providing users across jurisdictions with a range of tools for the efficient and expeditious resolution of disputes.

Background

The ICC provides a leading forum for resolving cross-border commercial disputes, used across industries such as construction, energy, finance, and technology. The ICC periodically updates its rules to reflect evolving arbitration practice. The 2026 Rules replace the prior version that took effect on January 1, 2021 and will apply to arbitrations commenced on or after June 1, 2026, unless the parties’ contract provides otherwise; cases already underway will continue under the 2021 Rules.¹

Streamlining Early Case Management

The 2026 Rules elevate the Case Management Conference as the central step for organizing a case. This early procedural meeting—typically the first substantive interaction among the tribunal and the parties—serves as the forum for setting the course of the arbitration, including the scope of the dispute and the procedural framework. This conference is mandatory and must now take place within 30 days of the tribunal receiving the initial file. This shift is driven in part by the removal of mandatory Terms of Reference—a document historically prepared early in the case that summarized the parties’ claims and defenses and defined the scope of the arbitration—which added time and cost, particularly in complex or multi-party arbitrations.²

Expanding the Tools to Accelerate Arbitration

The 2026 Rules expand the tools available to tribunals to accelerate proceedings, including broader use of expedited processes and new mechanisms to resolve issues earlier in the case.

Emergency Arbitration. Emergency arbitration allows a party to obtain urgent interim relief before the tribunal is constituted. Under the 2026 Rules, relief may now be sought against any party the President of the ICC Court believes may be bound by the arbitration agreement, not just original signatories and their successors. The Rules also introduce “preliminary orders,” which the emergency arbitrator may issue without notifying the other side where advance notice would defeat the relief’s purpose, subject to procedural safeguards.³

Expedited Procedure. The Expedited Procedure provides a streamlined arbitration: a single arbitrator, compressed timetable, fewer submissions, limited document production and no full evidentiary hearing (where appropriate). The 2026 Rules raise the automatic threshold for expedited procedures from US\$3 million to US\$4 million, bringing more mid-sized disputes within this track by default unless the parties agree otherwise.

Highly Expedited Arbitration. A new opt-in track is designed to deliver a final decision within three months of the initial Case Management Conference, regardless of the amount in dispute. Cases may be decided by a single arbitrator on a documents-only basis; parties must present their full case at the outset; and the parties may agree to dispense with a reasoned award.⁴

Early Determination of Claims or Defenses That Are Manifestly Without Merit. The 2026 Rules allow arbitrators to dispose of claims or defenses that are manifestly without merit or fall outside the tribunal's authority. While previous ICC guidance indicated that the tribunal had discretion to determine whether to allow an application by a party for expeditious determination of manifestly unmeritorious claims to proceed, the 2026 Rules formalize and codify the tribunal's authority.⁵ The threshold for early dismissal remains high, and its application is expected to develop through arbitral practice.

Time Limit for the Final Award. The prior six-month default deadline, measured from finalization of the Terms of Reference, no longer applies. The President of the ICC Court will set—and, where appropriate, extend—the time limit for the final award based on the circumstances of the case or a reasoned request from the tribunal.⁶ Simpler disputes may move faster, while complex or multi-party cases can be given the time they reasonably require.

Enhancing the Early Detection of Conflicts of Interest

A core feature of arbitration is that the decision-maker must be neutral.⁷ Arbitrators must therefore disclose any relationships or circumstances that could raise questions—real or perceived—about their independence. The 2026 Rules add two practical clarifications to the existing disclosure framework: where in doubt, arbitrators are expected to err on the side of disclosure; and disclosure does not, by itself, suggest bias. Parties also face new obligations at the outset: they must identify individuals or entities relevant for conflict checks and explain why.⁸ Taken together, these changes are intended to surface potential conflicts earlier and reduce the risk of later challenges to the tribunal.

Other Notable Changes

The 2026 Rules also include a number of practical changes. First, if one arbitrator is unable to continue late in a case—including after the final hearing—the remaining arbitrators may be permitted to complete the arbitration, helping avoid delay and additional cost. Second, the Rules clarify the role of tribunal secretaries (the assistants who support the arbitrators), requiring them to meet the same independence standards as arbitrators and confirming that their compensation cannot be arranged directly with the parties. Third, written communications will now be conducted electronically by default, with paper copies required only in limited circumstances, and awards may be signed and delivered electronically—reflecting a broader shift toward digital processes, while future guidance on emerging technologies is expected to be developed outside the Rules framework. Fourth, detailed “case management techniques” have been moved out of the Rules and into separate guidance, allowing those best practices to be updated more easily over time. Fifth, ICC administrative fees have been reduced for disputes under US\$10 million, which should make smaller cases more cost-effective, while modest increases apply to larger disputes. Finally, the ICC Secretariat will now handle routine financial matters, such as setting advances on costs, while the ICC Court continues to oversee arbitrators' fees and overall charges.⁹

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This memorandum is not intended to provide legal advice, and no legal or business decision should be based on its content. Questions concerning issues addressed in this memorandum should be directed to:

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¹ 2026 Rules, Art. 1(2) (“These Rules apply to any arbitration that is commenced on or after 1 June 2026, unless the parties have agreed to submit to the Rules in effect on an earlier date”).

² *Id.*, Art. 24(1) (requiring the arbitral tribunal to hold an initial Case Management Conference within 30 days of receiving the file from the Secretariat). The 2026 Rules omit mandatory Terms of Reference. The tribunals may still adopt Terms of Reference where appropriate.

³ *Id.*, Appendix IV, Art. 1(2) (Emergency Arbitrator provisions apply to signatories, their successors, “or . . . any party for which the President is satisfied, based on information in the Application, that an arbitration agreement binding such party may exist”). *See also id.*, Appendix IV, Art. 7 (permitting a party to request a preliminary order directing another party not to frustrate the purpose of the application, including on a without-notice basis, subject to the emergency arbitrator promptly affording all parties an opportunity to be heard).

⁴ *Id.*, Art. 33 and Appendix VI, Art. 7(1) (requiring the arbitral tribunal to render its final award within three months of the initial Case Management Conference in highly expedited cases).

⁵ *Id.*, Art. 30(1) and (2) (permitting a party to apply for early determination of claims or defenses on the grounds that such claims or defenses are manifestly without merit or outside the arbitral tribunal’s jurisdiction, and providing that the arbitral tribunal shall determine in its discretion whether to allow the application to proceed).

⁶ *Id.*, Art. 34 (providing that the President will fix and may extend the time limit for rendering the final award based on the procedural timetable or a reasoned request from the arbitral tribunal).

⁷ As an exception, certain arbitration rules allow parties to appoint “non-neutral” arbitrators. *See, e.g.*, AAA Commercial Arbitration Rules, Rule R-19.

⁸ *Id.*, Art. 12(2) and (4) (clarifying that arbitrators should err on the side of disclosure and that disclosure does not, by itself, indicate a lack of independence or impartiality); Art. 12(5) and (6) (requiring parties to identify relevant persons and entities for conflict checks and to disclose any non-party funding arrangements).

⁹ *Id.*, Art. 16(5) (permitting the court to proceed with the remaining arbitrators where one arbitrator is unable to continue after the last hearing or final substantive submissions); *id.*, Art. 44 and Appendix III, Art. 7 (requiring tribunal secretaries to act under the tribunal’s direction and control, meet the same independence standards as arbitrators, and prohibiting direct fee arrangements with the parties); *id.*, Art. 3 and 38 (providing for electronic communications by default and permitting awards to be signed and delivered electronically or in counterparts); *id.*, Art. 23(2) (providing that procedural measures may include case management techniques set out in ICC guidance notes). *See also id.*, Schedule of Fees, Part II, Art. 5–6 (revising ICC administrative expenses and arbitrator fee scales); Art. 40(1) and Appendix III, Art. 2(1) (addressing advances on costs and confirming that the court fixes arbitrators’ fees).