

Insights

ICC ARBITRATION RULES 2026: WHAT YOU NEED TO KNOW

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SUMMARY

The International Chamber of Commerce (“ICC”) has revised its Arbitration Rules, effective from 1 June 2026. The new rules have been designed with a “client mindset” and specific focus on increased efficiency and clarity for end users. Clients consistently rank excessive cost and prolonged procedural delays as their biggest complaints about international arbitration. The new ICC Rules seek to address these complaints by removing procedural hurdles and introducing streamlined fast-track options.

Here are the main things you need to know about the new rules:

ABOLITION OF TERMS OF REFERENCE

In a significant shift from the traditional ICC position, the 2026 Rules remove the Terms of Reference as a mandatory step. Instead, the initial case management conference (required by Article 24 to take place within 30 days of the transmission of the file to the tribunal) serves as the key early procedural milestone. Under Article 25, the initial CMC also replaces the Terms of Reference as the cut-off date for the introduction of new claims without the tribunal's permission. In practice, this eliminates an unwieldy procedural step that has sometimes constrained the development of the arbitration. Its removal should offer a time saving by removing the need for Terms of Reference to be approved by the ICC Court before the arbitration could proceed.

EARLY DETERMINATION

The 2026 Rules introduce a new Article 30, permitting a party to apply to the tribunal for the early determination of one or more claims or defences, on the grounds that they are “manifestly without merit” or manifestly outside the tribunal’s jurisdiction. This addition puts the ICC in line with other institutions in expressly permitting early determination at the same high threshold of “manifestly without merit”. In theory, this should increase procedural efficiency by expressly empowering

tribunals to dismiss unmeritorious claims, but in practice the threshold is likely to be too high for it to result in the successful dismissal of claims very often.

EXPEDITED ARBITRATION PROVISIONS: THRESHOLD INCREASES TO US\$4M

For arbitration agreements concluded on or after 1 June 2026, the Expedited Procedure Provisions (“EPP”) will apply automatically (with an opt-out option) to disputes valued at up to USD 4 million, up from USD 3 million in the 2021 Rules. The threshold will continue to be USD 3 million where the arbitration agreement was concluded between 1 January 2021 and 31 May 2026, and USD 2 million if it was concluded between 1 March 2017 and 31 December 2020. The EPP provide for the appointment of a sole arbitrator, an abridged procedural timetable and require the arbitrator to issue an award within 6 months of the initial case management conference. The procedure has seen significant uptake since its introduction in 2017 with statistics showing around 60% of all final awards under the EPP were issued within or around the 6-month time limit. ICC statistics show that over 40% of all cases filed did not exceed USD 4 million so raising the threshold for the application of the EPP means that the fast-track procedure will now apply to a significant additional segment of mid-market commercial disputes.

NEW HIGHLY EXPEDITED ARBITRATION PROCEDURE PROVISIONS

The 2026 Rules offer new Highly Expedited Arbitration Procedure Provisions (“HEAP”). Where parties consent to use HEAP, a final award by a sole arbitrator must be issued within 3 months from the date of the initial CMC. Speed is achieved through the imposition of strict time limits for the procedural stages of the arbitration that can only be extended by party agreement.

Under a new Article 33 and the Rules in Appendix VI, HEAP procedures front-load the arbitration process, strip the remainder of the usual procedural steps back and compress standard timelines to just 3 months, including the ICC Court’s scrutiny process and rendering of the award. The parties will have 20 days from the respondent’s receipt of the Request and Statement of Claim to jointly nominate the sole arbitrator, failing which the Court will appoint directly. Consolidation and joinder are excluded. While the arbitrator will have wide discretion to set the process, the default timelines are that parties will be obliged to file a Statement of Claim alongside their Request for Arbitration, with the Answer and Statement of Defence being delivered within 30 days of receipt of the Request and Statement of Claim. Unless there is a counterclaim, those will be the only submissions.

If there is a counterclaim, a Reply to Counterclaim will be due within 20 days of the Answer and Statement of Defence. The explanatory note accompanying the new Rules suggests that it may well be appropriate to dispense with document production or a hearing when conducting a HEAP arbitration. In practice, that seems highly likely given the condensed timelines. A HEAP arbitration will result in an award (not an order as with an emergency arbitration), but the parties will be able to consent to an award without reasoning to further speed up the process.

HEAP represents a significant shortening of the process compared to both standard and expedited ICC arbitration. However, the extremely tight timetable means that it will probably only be applicable to relatively straightforward disputes or disputes that can be resolved on paper without a hearing.

It offers a finality and enforceability advantage over emergency arbitration in that it results in a final award, although there remain enforceability questions around awards issued without reasons in some jurisdictions. It remains to be seen whether this offers a meaningful alternative to the expedited and emergency processes and whether there will be significant uptake, given just how streamlined the process is and whether this will affect quality of decisions.

REMOVAL OF 6-MONTH TIME LIMIT FOR RENDERING AN AWARD IN STANDARD ICC ARBITRATION

The 2026 Rules remove the requirement for a tribunal in a standard ICC arbitration to render its award within 6 months of the Terms of Reference being approved. This may seem counterintuitive for an institutional update predicated on improving speed, but in practice, extensions of time were so routine as to render the deadline meaningless. Article 34 now requires the ICC President to set time limits tailored to each arbitration, based on the procedural timetable and a reasoned request from the tribunal, giving parties a more realistic estimate of the length of proceedings.

SECURING INTEGRITY: PARTY ASSISTANCE WITH ARBITRATOR DISCLOSURE

Arbitrator disclosure is the bedrock of international arbitration, ensuring that arbitrators are (and are perceived to be) impartial and protecting the enforceability of awards. Under the 2026 Rules, this critical safeguard is enhanced with the introduction of a proactive obligation for the parties to assist the tribunal.

A new Article 12(5) requires parties to submit a list of persons and entities to the Secretariat for the arbitrator to consider when making their disclosure. This shifts some of the burden of conflict identification burden onto the parties and should mean that a party who could have flagged a potential conflict at the outset and chose not to will find it harder to raise it as grounds for challenge later. This will help neutralise tactical, late-stage disqualification attempts and secure the integrity of the proceedings.

EVOLUTION NOT REVOLUTION

The 2026 Rules represent an evolution rather than a sweeping revolution of the existing framework, acknowledging that the ICC Rules already provides a trusted framework that works well for resolving international disputes. The changes are focused on new and enhanced streamlined procedure – Early Determination, EPP and HEAP – and stripping away legacy administrative hurdles – the Terms of Reference – to provide a clear runway for faster and more efficient case management.

Whether the changes will reverse the trend of longer and more costly arbitrations remains to be seen but the new Rules introduce a number of options that could be useful tools in the prosecution of more efficient and lower cost arbitrations.

If you have any questions about how the new Rules affect any current or pending disputes, do get in touch.

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