

Insights

TIME IS MONEY, AND THE ICC IS GETTING FASTER: ARE EXPEDITED PROCEDURES THE ANSWER?

ICC Arbitration Rules 2026

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Expedited arbitration is now a standard offering of virtually every major arbitral institution, with the LCIA a notable outlier (though perhaps not for much longer). The key features of an expedited process are universal: claim value thresholds, default sole arbitrator, curtailed evidence, compressed award deadlines, documents-only procedures.

The ICC has now moved away from the norm and established a two-tier expedited model, raising the threshold for its Expedited Procedure Provisions ("**EPP**"), and introducing an even faster Highly Expedited Arbitration Procedure ("**HEAP**") capable of producing a final award in just three months which is available on an opt-in basis only regardless of dispute value.

The question now is whether these reforms will deliver on the promise of faster dispute resolution, and, more pointedly, whether the users who have long complained about cost and delay in a standard ICC arbitration will use the expedited procedures they say they need.

The EPP in Practice

The ICC's data tells a nuanced story. According to the January 2026 report, "*Expedited Procedure Provisions: Eight Years On*", 865 expedited procedures have been conducted under the EPP since March 2017. Of the 461 cases producing a final award between 2017 and 2024, 63% were delivered on or around the six-month time limit. So far, so good.

But context matters. The ICC registers 850 new cases each year on average, which amounts to roughly 6,800 arbitrations in total between 2017 and 2024. The 865 cases conducted under the EPP therefore represent only 12-13% of the ICC's entire caseload. This is not an isolated picture: in 2025, expedited procedure applications represented approximately 15% of SIAC's caseload and 9% of HKIAC's, suggesting that modest uptake is a cross-institutional phenomenon.

Further still, the ICC acknowledges that 40% of its aggregate caseload concerns disputes valued at less than USD 4 million. With only around 12-13% of the ICC's cases conducted under the EPP, the gap between the potential eligible pool and actual EPP usage is therefore significant.

Of the 865 ICC expedited procedures, only 141 (16%) resulted from parties affirmatively opting in. The vast majority proceeded by default due to the applicable threshold. Only 31 parties opted out where EPP would otherwise have applied.

The low opt-in rate could reflect a genuine preference for full procedural treatment, but it could equally be symptomatic of inertia. Opting in requires an affirmative step that many parties simply do not take. If the barrier is not reluctance but lack of understanding or friction, raising thresholds may be the right response. But whether parties swept into the regime will welcome the result is another matter.

One structural concern persists: it takes an average of three months from the request for arbitration to constitute an EPP tribunal. While the award must follow within six months of the first case management conference so the timelines are preserved, a front-end delay amounting to a third of the entire process is significant and leads to a perception among parties that time is not really being saved. The 2026 reforms do not address this directly, though HEAP attempts to compress the opening stages more radically.

The Standard EPP: Threshold Increase and Retained Features

As the threshold rises to USD 4 million, it is expected to bring a meaningful portion of mid-market disputes onto the expedited track by default. Disputes at that level are more likely to involve multiple contracts, or contested factual matrices that resist expedited treatment. The ICC Court retains the power to remove cases from the EPP where necessary, but that is merely a corrective mechanism rather than a filter. The risk is that a higher threshold produces not more efficient arbitration, but more frequent procedural disruption when cases outgrow the expedited format.

Otherwise, the core EPP architecture is retained: the Court may appoint a sole arbitrator notwithstanding contrary provisions; the CMC must be held within 15 days of file transmission; the final award must be rendered within six months. One administrative change is that the President (rather than the Court) may now extend the time limit.

The Highly Expedited Arbitration Provisions

The most striking ICC innovation is HEAP, an opt-in procedure available irrespective of the amount in dispute. It is front-loaded, document-intensive, and stripped of most standard procedural steps.

The key features are:

- **Request and Statement of Claim:** The claimant's entire case must be presented at the point of filing. The Request must effectively constitute the claimant's full pleading setting out the legal grounds, facts, relief, and relevant agreements, accompanied, if possible, by all supporting evidence.

- **Compressed response:** The respondent has 30 days from receipt to submit its full Answer and Statement of Defence, including counterclaims.
- **No extensions:** Time limits cannot be extended unless the parties agree. This is substantially different to the EPP process, where one party can apply for an extension and it could still be granted even if one party objected.
- **No joinder or consolidation:** Both are expressly excluded.
- **Rapid case management conference:** The initial CMC must be held within 7 days of file transmission to the tribunal.
- **Documents-only:** The tribunal may decide the dispute solely on the documents submitted, with no hearing and no examination of witnesses or experts.
- **Three-month award deadline:** The final award must be rendered within three months of the initial CMC.
- **Unreasoned awards:** Reasoned awards are still the default, but the option to dispense with reasons, and presumably proceed even faster, is available.

The HEAP process is untested and very quick. It remains to be seen whether its stripped-back approach is practical, robust and will withstand scrutiny, especially when it is possible that parties with high value disputes could choose to use it if they want a quick resolution.

The LCIA: Fashionably Late?

The ICC's dual-track reform sits in sharp contrast to the LCIA, whose position has long been that broad tribunal powers under Article 14 provide sufficient flexibility to enable tribunals to structure procedures in an expedited manner without needing a formal expedited track. In practice, expedited arbitration under the LCIA is discretionary and dependent on the willingness of a particular tribunal. The LCIA is now consulting on revisions to the 2020 Rules, with a potential expedited procedure understood to be a central topic. The question is not whether it will introduce a formal track (it seems likely that it will), but whether it will replicate existing models or craft something reflecting its traditional emphasis on tribunal discretion.

Could the LCIA strip proceedings back as far as HEAP? And if so, will it deliver a lower fee scale to match? The LCIA's answers will determine whether its new expedited offering competes with the institutional frameworks, or is too little too late.

The ICC's HEAP reforms provide a useful lens through which to evaluate the design choices the LCIA will face. Several features of HEAP raise questions:

1. **Enforceability.** HEAP permits the parties to agree to dispense with a reasoned award, but some national arbitration laws do not permit unreasoned final awards, and courts in those jurisdictions may treat the absence of reasons as a ground to refuse recognition under the New York Convention. For the LCIA, whose user base is heavily oriented towards London-seated arbitrations governed by the Arbitration Act 1996, the question is whether any equivalent option would sit comfortably with the English courts' expectations.
2. **Front-loaded models** create structural asymmetry. Under HEAP, the claimant may have had months to prepare but the respondent has only 30 days to mount a full defence. Where parties are of unequal resource, the compressed timeline becomes a source of real prejudice. The LCIA, if it adopts a front-loaded model, would need to consider whether its procedural framework can accommodate mechanisms to redress this imbalance.
3. **Timetable compression.** The three-month HEAP timeline is extraordinarily (perhaps unrealistically) compressed, leaving almost no room for procedural complications or jurisdictional disputes. The ICC President may extend the time limit, but routine extensions would undermine the procedure's "highly expedited" identity. The LCIA will need to calibrate carefully: too generous, and the expedited label rings hollow; too aggressive, and the procedure faces the same credibility problem. Similarly, such a compressed timeline is likely to favour better-resourced parties, creating further procedural prejudice.
4. **Suitability.** HEAP will appeal where speed matters more than procedural depth, but disputes that look simple at the beginning often turn out to be complex. The LCIA may be better placed than the ICC to address this, given its tradition of broad tribunal discretion.

Takeaways

The statistics do not support the view that expedited procedure is in high demand. Parties and counsel, when given the choice, overwhelmingly elect to retain the full procedural apparatus of a standard arbitration. The reasons are not difficult to identify. Clients tend to regard their own disputes as uniquely complex, unsuited to abbreviated treatment, and deserving of procedural depth. That instinct is understandable, but the dissonance with the same community's persistent complaint that arbitration is too slow and too expensive is difficult to ignore. Speed plainly matters to users, even if their conduct when offered the tools to achieve it suggests otherwise.

We are far from sure that HEAP and the expanded EPP will produce a meaningful shift in uptake. The principal increase will come not from voluntary adoption but from the mechanical effect of higher default thresholds capturing cases that do not opt out.

That raises a more fundamental question: if the market has consistently declined to embrace expedited arbitration, should the institutional response really be to develop even more compressed parallel regimes? Or should the focus be a reform of standard proceedings themselves?

In the meantime, parties negotiating arbitration agreements today should be alive to several practical consequences of the 2026 ICC reforms. The new USD 4 million EPP threshold and HEAP apply only to arbitration agreements concluded on or after 1 June 2026, so we are unlikely to see the impact of these new or amended procedures for years to come.

Default application of the EPP should be the starting point of any drafting discussion. The EPP takes precedence over contrary terms, including on the number of arbitrators, and failing to address this could result in a sole arbitrator expedited procedure being imposed on a dispute the parties envisaged would receive fuller treatment – or perhaps simply had not given due consideration. An express opt-out is essential where a three-member tribunal is intended or disputes are likely to be complex or multi-party.

HEAP has genuine potential for straightforward claims, but whether parties will embrace a model that demands far more preparation up front and tolerates far less procedural flexibility remains to be seen. For anything more involved, the risks are likely to outweigh the speed advantage. Compressing an entire proceeding into three months places considerable pressure on the quality of the tribunal's reasoning, and the already narrow grounds on which arbitral awards can be challenged mean that parties will have limited recourse if a rushed process produces a deficient award.

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