

LHAG INSIGHTS

INTERNATIONAL ARBITRATION

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2026 ICC ARBITRATION RULES: REVISIONS EFFECTIVE 1 JUNE 2026

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The 2026 ICC Arbitration Rules (“**2026 Rules**”) take effect on 1 June 2026,¹ with a focus on enhancing efficiency, clarity and usability of ICC arbitration proceedings.

Key Changes at a Glance:

Below are notable changes introduced by the 2026 Rules.

1. **New “Highly Expedited Arbitration” Procedure (HEAP)** (Article 33 and Appendix VI). The most significant addition. Where parties agree to opt in,² a sole arbitrator³ must issue the final award within 3 months of the initial case management conference.⁴ The award may be issued without reasons if parties agree.⁵ Speed is achieved by: (a) front-loading pleadings by merging the Request for Arbitration with the Statement of Claim, and the Answer with the Statement of Defence and Counterclaim,⁶ (b) prohibiting joinder and consolidation,⁷ (c) compressed time limits, and (d) giving the tribunal discretion to limit documents, submissions and witness / expert evidence.⁸

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2. **Early Determination of Claims and Defences** (Article 30). Any party may apply to the tribunal for early dismissal of claims or defences that are (a) “*manifestly without merit*”, or (b) “*manifestly outside the tribunal's jurisdiction*”.⁹ This allows the proceedings to focus on viable claims.
3. **Terms of Reference Eliminated.** Previously required under Article 23 of the 2021 ICC Arbitration Rules (“**2021 Rules**”), Terms of Reference are no longer mandatory. The initial case management conference now serves as the central procedural milestone at the outset of an ICC arbitration.
4. **New Claims Post-Case Management Conference** (Article 25). With the Terms of Reference eliminated, the cut-off milestone for filing new claims without tribunal authorisation is now the initial case management conference.
5. **Higher Threshold for Expedited Arbitration** (Article 32 and Appendix V, Article 1(2)-1(3)). For arbitration agreements concluded on or after 1 June 2026, the expedited procedure applies automatically where the amount in dispute is USD 4 million or less.¹⁰
6. **Preliminary Orders by Emergency Arbitrator** (Appendix IV, Article 7). A party may now request for an *ex parte* preliminary order directing another party not to frustrate the emergency measure application. The order is initially granted without notice, but the other party must be given a reasonable opportunity to be heard immediately after.¹¹
7. **Clarification On Scope of Emergency Measures** (Appendix IV, Article 1(2)). Emergency measures are no longer limited to signatories and their successors. They now extend to any party for which the ICC President is satisfied that a binding arbitration agreement may exist.¹²
8. **Refined Conflict Disclosure Regime** (Article 12) –
 - 8.1. **When in doubt, disclose** (new). Any doubts about whether to disclose must be resolved in favour of disclosure.¹³
 - 8.2. **Disclosure ≠ admission of conflict** (new). Disclosure alone does not establish a lack of independence or impartiality.¹⁴

[1] <https://iccwbo.org/dispute-resolution/dispute-resolution-services/arbitration/rules-procedure/2026-arbitration-rules/>; 2026 ICC Arbitration Rules, Article 1(2).

[2] 2026 ICC Arbitration Rules, Article 33.

[3] 2026 ICC Arbitration Rules, Appendix VI, Article 4(1).

[4] 2026 ICC Arbitration Rules, Appendix VI, Article 7(1).

[5] 2026 ICC Arbitration Rules, Appendix VI, Article 7(2).

[6] 2026 ICC Arbitration Rules, Appendix VI, Article 2.

[7] 2026 ICC Arbitration Rules, Appendix VI, Article 3.

[8] 2026 ICC Arbitration Rules, Appendix VI, Article 6(2).

[9] 2026 ICC Arbitration Rules, Article 30(1).

[10] 2026 ICC Arbitration Rules, Article 32 and Appendix V, Article 1(3).

[11] 2026 ICC Arbitration Rules, Appendix IV, Article 7.

[12] 2026 ICC Arbitration Rules, Appendix IV, Article 1(2)(c).

[13] 2026 ICC Arbitration Rules, Article 12(2).

[14] 2026 ICC Arbitration Rules, Article 12(4).

- 8.3. **Mandatory disclosure list** (new). Each party must submit a list of persons and entities that arbitrators should consider for disclosure purposes, when parties file their Request, Answer, joinder-related submissions, or time extension request.¹⁵
- 8.4 **Express confidentiality obligation on arbitrators** (new).¹⁶
9. **Default Digital Communications** (Article 3). Written communications with the ICC Secretariat are now by email or other electronic means by default.¹⁷
10. **Flexible Time Limits** (Article 4). Parties may now extend (not only reduce) time limits under the Rules.¹⁸ Post-tribunal constitution, modifications of time limits require tribunal approval.¹⁹ The ICC Court retains discretion to extend time limits where necessary for fulfilment of the tribunal's and Court's responsibilities.²⁰
11. **Tailored Time Limit for Final Award** (Article 34). The default 6-month deadline for the final award is removed. Instead, the President will fix a tailored time limit based on the procedural timetable, and any reasoned request from the tribunal.²¹
12. **Electronic Signing of Awards** (Article 38(1)). Awards may now be signed electronically, in counterparts, and/or in hard copy or soft copy.
13. **Right to Reasons for ICC Court's Decisions** (Article 43). Upon request, the ICC Court will communicate its reasons for decisions. Requests must be made before the decision is issued, unless the decision concerns replacement of arbitrators under Article 16(3). This provision was previously in the Appendix and is now in the main body of the Rules.
14. **Hybrid Hearings Expressly Endorsed** (Articles 19(3), 24(5), 27(1) and Appendix IV, Article 4(2)). Hearings, case management conferences, deliberations and emergency arbitrator meetings may take place in person, in hybrid form, or by videoconference / teleconference.
15. **Tribunal Secretary Appointments** (Article 44). Appointments now require consultation with parties and a signed statement of acceptance, availability, impartiality and independence. Tribunal secretaries are held to the same standards as the tribunal. The appointment must not create any financial burden on the parties (save for reasonable, justified expenses), and direct fee arrangement between the tribunal and parties for the secretary are prohibited.²²
16. **Third-Party Payment of Fees** (Appendix III, Article 1(3)). The ICC will accept payment of arbitrators' fees and administrative expenses by third parties, provided satisfactory evidence of a legal relationship between the payer and the relevant party is furnished.²³

[15] 2026 ICC Arbitration Rules, Article 12(5).

[16] 2026 ICC Arbitration Rules, Article 12(8).

[17] 2026 ICC Arbitration Rules, Article 3(1).

[18] 2026 ICC Arbitration Rules, Article 4(2); 2021 ICC Arbitration Rules, Article 39(1).

[19] 2026 ICC Arbitration Rules, Article 4(2).

[20] 2026 ICC Arbitration Rules, Article 4(3).

[21] 2026 ICC Arbitration Rules, Article 34(a); 2026 ICC Arbitration Rules, Article 34(b).

[22] 2026 ICC Arbitration Rules, Appendix III, Article 7.

[23] 2026 ICC Arbitration Rules, Appendix III, Article 1(3).

17. **Longer Period to Correct Awards** (Article 39). The tribunal now has 45 days (up from 30 days under the 2021 Rules) to correct clerical, computational or typographical error on its own initiative.²⁴ Parties' deadline to apply for corrections or interpretation of award remains at 30 days from receipt of the award.²⁵
18. **Revised ICC Administrative Costs.** ICC administrative costs are reduced for disputes below USD5,000,000. For disputes exceeding USD515,000,000, the flat-rate administrative cost increased to USD180,000²⁶ (up from USD150,000 under the 2021 Rules for disputes over USD500,000,000).²⁷

Conclusion

The 2026 Rules represent a significant shift towards greater speed, digitalisation, and transparency in ICC arbitrations. Businesses with contracts containing ICC arbitration clauses should assess whether their current dispute resolution strategies align with the new framework and take steps, where necessary, to ensure they are well-positioned to benefit from these revisions.

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[24] 2026 ICC Arbitration Rules, Article 39(1).

[25] 2026 ICC Arbitration Rules, Article 39(2); 2021 ICC Arbitration Rules, Article 36(2).

[26] 2026 ICC Arbitration Rules, Schedule of Fees, Article 5(1) and Article 6(1).

[27] 2021 ICC Arbitration Rules, Appendix III, Article 3.