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THE 2026 ICC ARBITRATION RULES:

Amendments Towards a More User-Friendly Framework

FEATURED PRACTICE AREA:

Arbitration

INTRODUCTION

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On 22 May 2026, the International Chamber of Commerce ("ICC") released the long-awaited new edition of its arbitration rules ("2026 ICC Arbitration Rules"). The 2026 ICC Arbitration 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.

The 2026 ICC Arbitration Rules introduce several amendments aimed at modernizing ICC arbitration and aligning it more closely with current arbitral practice and users' expectations. Furthermore, a number of the newly introduced provisions codify procedural approaches that have already emerged in the rules and practice of other leading arbitral institutions. Building upon procedural trends already established through ICC arbitration practice, the new rules place increased emphasis on efficiency, flexibility, cost-effectiveness and procedural streamlining, while also responding to the growing demand for a more modern, user-oriented and adaptable dispute resolution process.

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15 NOTABLE CHANGES INTRODUCED WITH THE 2026 ICC ARBITRATION RULES:

The following section outlines some of the principal amendments introduced by the 2026 ICC Arbitration Rules and examines their practical implications for parties, counsel and arbitral tribunals:

- ***Early Determination of Claims:***

Similarly to the rules of other major arbitral institutions, such as the SIAC, LCIA and SCC and reflecting on already existing practice, the 2026 ICC Arbitration Rules introduce an early determination mechanism enabling parties to seek the early dismissal of claims or defences that are manifestly without merit or manifestly outside the arbitral tribunal's jurisdiction (Article 30).

- ***Highly Expedited Arbitration Provisions ("HEAP"):***

The 2026 ICC Arbitration Rules introduce the HEAP, providing for the issuance of the final award within three (3) months from the initial Case Management Conference ("CMC") in proceedings before a sole arbitrator. The sole arbitrator may conduct the arbitration on a documents-only basis and may also disallow document production requests. The HEAP framework does not apply by default and requires the parties' express opt-in, either in the arbitration clause or by subsequent agreement (Article 33 & Appendix VI).

- ***Emergency Arbitration Proceedings ("EAP"):***

Under the new EAP provisions, any party may request a preliminary order from the Emergency Arbitrator directing another party not to frustrate the purpose of the EAP application (Appendix IV, Article 7(1)) even without notice to such other party (ex parte). Once a preliminary order is granted, the Emergency Arbitrator must immediately afford all other parties the reasonable opportunity to present their case and retains the discretion to modify the preliminary order issued (Appendix IV, Article 7(4)). Further, the EAP provisions may also apply even against non-signatories where the President of the ICC Court is satisfied that an arbitration agreement binding such parties may exist (Appendix IV, Article 1(2)(c)). Lastly, it is clarified that the EAP provisions do not apply to arbitrations arising from treaties or investment protection laws (Appendix IV, Article 1(3)(c)).

- ***New Disclosure Obligations:***

The 2026 ICC Arbitration Rules reinforce the existing arbitrator disclosure standards by providing that any doubts the prospective arbitrator may have about whether to make a disclosure shall be resolved in favor of disclosure (Article 12(2)). It is further clarified that a disclosure does not, by itself, establish a lack of independence or impartiality (Article 12(4)). In addition, the 2026 ICC Arbitration Rules introduce a new requirement whereby, at the time of filing key submissions (i.e. the Request for Arbitration, Answer etc.), parties must provide the ICC Secretariat with a list of persons and entities connected to the dispute, including any third-party funders, so as to facilitate early conflict checks by prospective arbitrators (Article 12(5)–(6)).

- ***Expedited Procedure Provisions ("EPP"):***

The 2026 ICC Arbitration Rules introduce the HEAP, providing for the issuance of the final award within three (3) months from the initial Case Management Conference ("CMC") in proceedings before a sole arbitrator. The sole arbitrator may conduct the arbitration on a documents-only basis and may also disallow document production requests. The HEAP framework does not apply by default and requires the parties' express opt-in, either in the arbitration clause or by subsequent agreement (Article 33 & Appendix VI).

- ***Terms of Reference ("ToR"):***

The 2026 ICC Arbitration Rules have removed one of the hallmark features of the ICC arbitration framework, the ToR. Instead, they provide for the initial CMC to be held within 30 days from the transmission of the file to the tribunal, serving as the main procedural juncture in the proceedings, after which any new claims may only be introduced following the tribunal's authorization (Article 25). Tribunals can adopt ToR where appropriate.

- ***New Time Limits for the Final Award:***

The 2026 ICC Arbitration Rules no longer provide for a fixed deadline of the final award (i.e. six-month period from the ToR subject to adjustment by the Court). Instead, the time limit is determined by the President of the ICC Court taking into account (a) the procedural timetable of the arbitration, or (b) a reasoned request from the arbitral tribunal (Article 34).

- ***Confidentiality Obligations:***

The 2026 ICC Arbitration Rules reinforce the tribunal's confidentiality commitments by providing that arbitrators shall keep confidential all matters relating to the arbitration unless otherwise in the public domain, agreed by the parties, required by applicable law, or necessary to protect a legal right or comply with disclosure obligations (Article 12(8)).

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- ***Case Management Techniques Appendix:***

The Case Management Techniques Appendix (previously Appendix IV) is removed from the ICC Rules. Instead, the ICC will proceed with the issuance of regularly updated guidance notes reflecting best practices and effective case management tools.

- ***Scrutiny:***

The scrutiny process is further reinforced under the 2026 ICC Arbitration Rules, which provide that, when scrutinizing draft awards, the ICC Court shall consider, to the extent practicable, the validity and enforceability of the award and the requirements of mandatory law at the place of the arbitration (Article 37(3)).

- ***Truncated Tribunal:***

Under the 2026 ICC Arbitration Rules, the ICC Court may decide not to replace an arbitrator who has died or has otherwise been removed after the last hearing or the filing of the last substantive submission, whichever is later; in doing do, the Court shall take into account the views of the remaining arbitrators, the parties and all other relevant circumstances (Article 16(5)).

- ***Tribunal Secretary:***

The role of the tribunal secretary is now expressly regulated; following consultations with the parties, the arbitral tribunal may appoint a tribunal secretary to work under the arbitral tribunal's direction and control, without delegating its decision-making authority (Article 44(1)). Notably, tribunal secretaries must satisfy the same independence, impartiality and confidentiality requirements as the arbitrators (Article 44(2)).

- ***Joinder of Third Parties:***

The 2026 ICC Rules also adjusted the procedural conditions for the Joinder of additional parties after the confirmation or appointment of any arbitrator. In particular, requests for Joinder may be made after the confirmation or appointment of any arbitrator if (a) the additional party accepts the constitution of the arbitral tribunal, and (b) the arbitral tribunal, once constituted, decides to accept the Request for Joinder (Article 8(6)).

- ***Adjusted Schedule of Fees:***

The ICC has reduced the costs for arbitrations with an amount in dispute below USD 10 million, while increasing fees for disputes exceeding that threshold (Appendix III).

The full text of the 2026 ICC Arbitration Rules, as well as the compared version of 2021 and 2026 ICC Arbitration Rules, are available here.

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For any questions regarding the 2026 ICC Arbitration Rules and their practical impact, feel free to contact us

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