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The ICC Arbitration Rules 2026

*Key changes for users of ICC
arbitration*

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**LEGAL
UPDATE**

In this Update

The International Chamber of Commerce (“**ICC**”) has issued a revised edition of its Rules of Arbitration (“**ICC Rules 2026**”), which will take effect on 1 June 2026 and apply to arbitrations commenced on or after that date.

The ICC Rules 2026 introduce a Highly Expedited Arbitration Procedure delivering an award in three months, an express early determination procedure, an expanded Emergency Arbitrator framework (including *ex parte* preliminary orders), codified rules on tribunal secretaries, the removal of mandatory Terms of Reference and a higher monetary threshold for the Expedited Procedure.

This update highlights the principal changes and explains the practical benefits for users of ICC arbitration.

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INTRODUCTION

The ICC Rules 2026 are the result of an extensive review by the ICC International Court of Arbitration (“**ICC Court**”) and the stated objectives are to enhance efficiency, clarity and usability.

The revisions matter for users because they affect the timetable, cost structure and procedural toolkit available in any ICC arbitration. The changes expand the range of expedited procedures, strengthen the Emergency Arbitrator framework, codify case management practice and modernise the handling of communications, awards and tribunal secretaries. Parties drafting new arbitration clauses, and those with existing ICC clauses, should take stock of these developments.

The ICC Rules 2026 apply automatically to any arbitration commenced on or after 1 June 2026, unless the parties have agreed to submit to an earlier edition (Article 1(2)).

KEY CHANGES

Electronic communications as the default

Under Article 3 of the ICC Rules 2026, written communications with the Secretariat are to be made by electronic means. Hard-copy transmission of the Request for Arbitration, the Answer and any Request for Joinder is now the exception, available only on request. The ICC Court’s digital case management platform, ICC Case Connect (powered by Opus 2), is available throughout the proceedings, although its use is left to the discretion of the parties and the tribunal.

For users, this formalises the post-pandemic shift to electronic case administration and is expected to reduce time, cost and the environmental footprint of proceedings.

The most significant change is the removal of the obligation to draw up Terms of Reference which was previously a mandatory step under Article 23 of the 2021 Rules. Tribunals retain the discretion to establish a Terms of Reference document where they consider it a useful case management tool, but the focus has shifted to the initial Case Management Conference (“**CMC**”), which under Article 24 must be held within 30 days of the file being transmitted to the tribunal. The procedural timetable established at or after the CMC is now communicated to the ICC Secretariat. Following the initial CMC, no new claims may be introduced without the tribunal’s authorisation (Article 25).

Removing the Terms of Reference eliminates a procedural step that is likely to make ICC arbitration quicker. The CMC now assumes greater procedural importance.

Express early determination procedure

Article 30 of the ICC Rules 2026 codifies the tribunal's power to determine, on an early basis, that one or more claims or defences are (a) manifestly without merit or (b) manifestly outside the tribunal's jurisdiction. The procedure had until now been described only in the ICC Court's Note to Parties and Arbitral Tribunals.

Express recognition in the Rules will encourage parties to deploy the procedure to dispose of weak claims or defences at an early stage, with corresponding savings of time and cost.

Highly Expedited Arbitration ("HEAP")

The ICC Rules 2026 introduce new opt-in Highly Expedited Arbitration Provisions in Appendix VI (Article 33). Where all parties agree, the dispute (or a discrete issue in dispute) is heard by a sole arbitrator and the final award must be issued within three months of the initial CMC. The Request for Arbitration must include a front-loaded Statement of Claim with supporting evidence and legal authorities; the Answer must include a corresponding Statement of Defence. The arbitrator may dispense with document production and hearings, and the parties may agree to an unreasoned award.

HEAP gives users a fast and tightly scoped procedure that does not depend on the amount in dispute. It is particularly suited to discrete legal issues, post-M&A disputes turning on contractual interpretation, and cases where parties value speed and finality.

Expedited Procedure threshold raised

The monetary threshold for the automatic application of the ICC Expedited Procedure has been increased from US\$3 million to US\$4 million for arbitration agreements concluded on or after 1 June 2026 (Appendix V, Article 1(3)). The other features of the Expedited Procedure (for example, default sole arbitrator, six-month time limit from the initial CMC, and limits on submissions and hearings) remain unchanged.

A broader band of disputes will now benefit from a streamlined procedure and lower costs.

Emergency Arbitration: broader reach and *ex parte* preliminary orders

The Emergency Arbitrator regime in Appendix IV of the ICC Rules 2026 has been enhanced in two important respects.

First, the scope of parties against whom emergency relief may be sought has been expanded. Under Article 1(2) of Appendix IV, emergency relief may now be brought against (a) signatories to the arbitration agreement,

(b) their successors, and (c) any party for whom the President of the ICC Court is satisfied, based on the information in the Application, that an arbitration agreement binding such party may exist. The third category is new and is intended to address situations involving complex corporate structures where the precise binding parties may not be apparent at the outset.

Second, Article 7 of Appendix IV expressly permits a party, at any stage of the emergency arbitrator proceedings, to request a preliminary order directing another party not to frustrate the purpose of the Application. Such requests may be made and decided without notice to the other parties where circumstances so require (for example, where prior notification could lead to asset dissipation or destruction of evidence). If a preliminary order is granted, the emergency arbitrator must immediately afford the other parties a reasonable opportunity to present their case, and the order may be modified or revoked in light of subsequent submissions.

Truncated tribunal available earlier

Under Article 16(5) of the ICC Rules 2026, the ICC Court may proceed with a truncated tribunal where an arbitrator has died or been removed after the last hearing or the filing of the last substantive submissions, whichever is later. Under the 2021 Rules, this option was only available after the closing of the proceedings.

Tribunal secretaries codified

Article 44 of the ICC Rules 2026 brings tribunal secretaries into the Rules themselves. After consulting the parties, the tribunal may appoint a tribunal secretary to work under its direction and control, without delegating its decision-making authority. The tribunal secretary must satisfy the same independence and impartiality requirements as arbitrators and sign a statement of acceptance, availability, impartiality and independence.

Article 7 of Appendix III provides that the tribunal may claim reimbursement of a tribunal secretary's reasonable and justified expenses; direct fee arrangements between the tribunal and the parties for the tribunal secretary are prohibited.

Disclosure: arbitrators and parties

Two principles previously found in the Note to Parties have been elevated to the level of the Rules. Article 12(2) provides that "any doubts the prospective arbitrator may have about whether to make a disclosure shall be resolved in favour of disclosure". Article 12(4) provides that "a disclosure does not, by itself, establish a lack of independence or impartiality". Together, these provisions encourage prompt and full disclosure while limiting the use of disclosure itself as a basis for challenge.

Article 12(5) imposes a new positive obligation on the parties: at the time of filing the Request, Answer, Request for Joinder or related submissions, each party must submit a list of persons and entities that the prospective arbitrators and arbitrators should consider for the purposes of disclosure, with reasons. Article 12(6) preserves the existing obligation to disclose third-party funders. Article 14(2) confirms that the Secretary General may refer a confirmation decision to the ICC Court even in the absence of an objection.

Time limit for the final award

Article 34 of the ICC Rules 2026 replaces the default six-month time limit with a regime under which the President of the ICC Court fixes, and may extend, the time limit by reference to (a) the procedural timetable or (b) a reasoned request from the tribunal. This codifies what was already the prevailing approach and aligns the award deadline with the actual procedure of the case.

Confidentiality of arbitrators codified

New Article 12(8) provides that arbitrators shall keep confidential all matters relating to the arbitration unless those matters are otherwise in the public domain, the parties agree, applicable law requires disclosure, or disclosure is necessary to protect a legal right or to comply with disclosure obligations. The confidentiality of the ICC Court and Secretariat is preserved. The position of the parties themselves remains a matter for their agreement, supplemented by Article 23(3) under which the tribunal may make orders concerning confidentiality.

Other changes: signature of awards, fees and governance

Article 38 of the ICC Rules 2026 allows the tribunal, after consulting the parties, to sign awards electronically, to sign in counterparts and to direct that the award be notified in paper or electronic form. The deadline for the tribunal to issue a correction on its own initiative has been extended from 30 to 45 days (Article 39(1)), reflecting the requirement to consult the parties beforehand.

On costs, details of fees have been moved to a separate Schedule of Fees, with the Secretary General (rather than the ICC Court) now fixing advances on costs and handling other financial aspects. Administrative expenses have been reduced for disputes under US\$10,000,000 and adjusted upward (for the first time since 2010) for larger disputes. On governance, the reference to Alternate Court Members has been removed, reflecting current practice.

CONCLUSION

The ICC Rules 2026 are meaningful update to a framework already widely used by commercial parties. The overall effect is a more flexible framework that allows ICC arbitrations to be calibrated to the urgency, value and complexity of each dispute. Users will get the most out of the 2026 Rules where they engage with them in advance - at the drafting stage, by considering whether to opt in to the Highly Expedited Arbitration Procedure or to include express provision on confidentiality, and at the start of the proceedings, by preparing in time for the first CMC.

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