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The New 2026 ICC Arbitration Rules: Faster Proceedings, Fewer Formalities and New Tools for Early Case Management

The 2026 ICC Rules, entering into force on 1 June 2026, abolish mandatory Terms of Reference, introduce a new ultra-fast arbitration procedure and place greater emphasis on early case management. The direction is clear: future ICC arbitrations are expected to move faster and require parties to engage earlier.

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New ICC Rules 2026: What Arbitration Users Need to Know

The ICC's revised Arbitration Rules, which enter into force on 1 June 2026, introduce a number of targeted reforms aimed at making proceedings faster and more efficient. Beyond the headline changes, such as the abolition of mandatory Terms of Reference and the introduction of the Highly Expedited Arbitration Procedure, the new ICC Rules place greater emphasis on early case management and front-loaded proceedings.

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1 Mandatory Terms of Reference have been abolished

The most symbolic reform is the abolition of mandatory Terms of Reference.

For decades, Terms of Reference were one of the defining features of ICC arbitration. Over time, however, their practical importance diminished. Arbitral tribunals increasingly favoured procedural flexibility over the early crystallisation of issues, and expedited arbitrations have operated successfully without Terms of Reference since 2017. Notably, in only 2.5% of arbitrations conducted under the Expedited Procedure Provisions ("**EPP**") did tribunals elect to draw up Terms of Reference.

Building on nearly a decade of experience, the ICC concluded that the benefits of Terms of Reference no longer justify the time and costs associated with their preparation. While tribunals remain free to use them where appropriate under the 2026 ICC Rules, they are no longer mandatory.

A key objective of the 2026 ICC Rules is to strengthen early case management. The initial case management conference ("**CMC**"), which must take place within 30 days of the transmission of the file to the tribunal (subject to extension), is likely to become the first key procedural milestone of the arbitration. Procedural Order No. 1 is also expected to assume greater importance and may increasingly incorporate elements traditionally found in Terms of Reference, such as the identification of the parties, confirmation of the tribunal's jurisdiction and the applicable law. In addition, following the initial CMC, no party may introduce new claims without the tribunal's authorization.

The ICC Secretariat is currently preparing a model Procedural Order No. 1, which is expected to become a more comprehensive case management tool.

2 A new ultra-fast arbitration procedure is now available

The 2026 ICC Rules introduce the Highly Expedited Arbitration Procedure ("**HEAP**"), a new opt-in procedure designed for disputes requiring exceptionally rapid resolution, regardless of the amount in dispute.

HEAP proceedings are conducted before a sole arbitrator and are intended to result in a final award within three months of the initial CMC, including the ICC Court's scrutiny of the award and its notification to the parties. HEAP is, therefore, expected to operate approximately twice as fast as the EPP. The procedure is designed for disputes involving a limited factual record and streamlined submissions, and does not permit joinder or consolidation.

A notable feature of HEAP is that, unlike other ICC arbitration procedures, the parties may agree to dispense with a reasoned award. Whether parties will make frequent use of this possibility remains to be seen, particularly in light of potential enforcement considerations in certain jurisdictions.

While HEAP is unlikely to be suitable for complex construction, shareholder or

post-M&A disputes, it may be particularly attractive for narrower commercial disputes, including certain price adjustment, technology and operational disputes.

Parties may opt into HEAP either in their arbitration agreement or after a dispute has arisen. The ICC has published a dedicated model clause for parties wishing to incorporate HEAP into their arbitration agreements, available here.

3 More disputes will be subject to expedited arbitration

The ICC has also raised the threshold for the automatic application of the EPP from USD 3 million to USD 4 million for arbitration agreements concluded on or after 1 June 2026. More disputes will, therefore, fall within the expedited regime by default, unless the parties expressly opt out.

This represents the third increase of the applicable threshold since the introduction of the EPP. The threshold was initially set at USD 2 million for arbitration agreements concluded on or after 1 March 2017, increased to USD 3 million for agreements concluded on or after 1 January 2021, and now stands at USD 4 million for agreements concluded on or after 1 June 2026. When assessing whether the EPP applies, counsel should, therefore, consider not only the amount in dispute but also the date on which the arbitration agreement was concluded.

4 Emergency arbitration has been strengthened

The 2026 ICC Rules further strengthen the emergency arbitrator procedure and reinforce its role as a tool for obtaining urgent interim relief prior to the constitution of the arbitral tribunal.

Most notably, the scope of the procedure has been expanded. Emergency proceedings may now be initiated not only against signatories to the arbitration agreement and their successors, but also against parties for which, on a *prima facie* basis, a binding arbitration agreement may exist (cf. Article 1(2) of Appendix IV). While the tribunal will ultimately decide on its jurisdiction, the amendment lowers the threshold for obtaining urgent relief at the emergency stage.

The revised 2026 ICC Rules also introduce preliminary orders. Upon application, an Emergency Arbitrator may order a party not to frustrate the purpose of the requested emergency relief, including without prior notice where circumstances so require (cf. Article 7 of Appendix IV). If such an order is granted, the affected party must subsequently be given a reasonable opportunity to be heard.

Although national courts will remain indispensable in many situations requiring urgent relief, these amendments demonstrate the ICC's intention to make emergency arbitration a more effective and practical remedy. In particular, parties should be aware that entities disputing whether they are bound by an arbitration agreement may nevertheless find themselves participating in emergency proceedings at a very early stage.

5 Proceedings will become more front-loaded

One of the less visible, but potentially more significant, developments under the 2026 ICC Rules is the increasing emphasis on identifying issues at the outset of the arbitration.

Article 30 of the 2026 ICC Rules newly provides that a party may apply for early determination by the arbitral tribunal that one or more claims or defences are manifestly without merit or manifestly outside of the arbitral tribunal's jurisdiction. Any such application will need to be made as promptly as possible by the parties after the relevant claims or defences are filed for it to have any chance of success.

One aspect of this increasingly front-loaded approach is Article 12(5) of the 2026 ICC Rules, which requires parties to provide the ICC Secretariat with a list of persons and entities that prospective arbitrators should consider for conflict-checking purposes, together with the reasons why those persons or entities may be relevant. The obligation applies already at the request for arbitration and answer stage. This new requirement will require parties and counsel to undertake conflict analysis at an earlier stage. In disputes involving corporate groups, funders, insurers or multiple related entities, this may become a substantial preparatory exercise.

6 The 2026 ICC Rules continue the trend towards digitalization and flexibility

The 2026 ICC Rules further embrace practices that have become standard in modern arbitration.

Article 3 provides that electronic filing is now the default rule for requests for arbitration, answers and request for joinder. Hard copies are now the exception.

The 2026 ICC Rules also abandon the previous six-month time limit for rendering a final award. Under the 2021 ICC Rules, tribunals were in principle required to render their award within six months of the terms of reference. In practice, however, that time limit was routinely extended by the ICC Court, often on multiple occasions, and had largely ceased to serve as a meaningful benchmark. As from 1 June 2026, the time limit for the award will instead be fixed by the President of the ICC Court, taking into account the procedural timetable and the specific circumstances of the case.

7 Conclusion

The 2026 ICC Rules do not fundamentally change the nature of ICC arbitration. They do, however, confirm a clear institutional preference for faster, more actively managed and more front-loaded proceedings.

The abolition of mandatory Terms of Reference, the introduction of HEAP, the revised approach to expedited proceedings and the new conflict-check requirements all point in the same direction: parties and counsel will need to be prepared earlier than before.

Whether these reforms ultimately reduce the duration and cost of ICC arbitrations remains to be seen. What is already clear is that the early stages of ICC proceedings are likely to become more important. Practitioners wishing to review the amendments in detail may consult the ICC's official comparison of the 2021 and 2026 Rules, available here.

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