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Practice Update

A Meaningful Shift in How ICC International Arbitration is Conducted

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The 2026 ICC Rules of Arbitration: What Practitioners Need to Know

The long-awaited changes to the International Chamber of Commerce (ICC) Rules of Arbitration are now available for review. These amendments take effect on June 1, 2026, and will apply to all new requests for arbitration filed on or after that date. Practitioners must familiarize themselves with these revisions, as they will directly impact the conduct of future ICC proceedings.

While the changes are not revolutionary, they reflect a clear and purposeful trajectory in international arbitration: greater efficiency, enhanced flexibility, and improved procedural clarity. With them, the ICC is signaling a deliberate effort to align arbitration with the realities of modern international commerce.

Below is a summary of the most significant changes and their practical implications.

1. Moving Beyond Formalism: The End of Mandatory Terms of Reference

One of the most structurally significant changes is the elimination of the mandatory Terms of Reference, long considered a hallmark of ICC arbitration. Under the revised Rules, the Case Management Conference now serves as the

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principal early-stage procedural milestone, and tribunals retain discretion to establish Terms of Reference only where appropriate.

This signals a decisive shift toward more agile early-stage case management, reducing procedural friction and unnecessary delays that have long drawn criticism from practitioners and clients alike.

2. Acceleration Tools: Early Determination and the Highly Expedited Procedure

The 2026 Rules introduce two powerful mechanisms designed to expedite resolution:

A formal early determination mechanism that allows tribunals to dispose of claims that are manifestly without merit or fall outside the tribunal's jurisdiction without the need for a full hearing.
A new Highly Expedited Arbitration Procedure (HEAP), designed to deliver a final award within approximately three months in suitable cases. Under this framework, disputes may be resolved solely on the basis of written submissions, and parties may agree to the issuance of an award without reasons.

Together, these tools respond directly to longstanding market pressure for faster, more cost-conscious dispute resolution. In the early days of international arbitration's rise as a preferred dispute resolution mechanism, the promise was speed and economy. The economic factor remains debatable, but recent experience has made clear that arbitrations too often take far too long to reach resolution, failing to accommodate the pace of international business. These changes address the timing issue squarely.

3. Expanded Use of Expedited Arbitration

The monetary threshold for the automatic application of expedited procedures has increased from $3 million to $4 million, broadening the universe of disputes eligible for streamlined proceedings.

Given the high costs traditionally associated with arbitration, this threshold adjustment directly confronts the cost barrier, demanding greater efficiency and shorter proceedings. It will make arbitration a more viable alternative for disputes that do not involve the highest monetary values without sacrificing procedural integrity.

The message is clear: efficiency is no longer optional — it is expected.

4. Digitalization and Enhanced Case Management

The 2026 Rules further embrace the digital transformation of arbitral proceedings:

Electronic communications are now the default mode of correspondence with the Secretariat.
Hearings and deliberations may formally take place in hybrid or remote formats.
Awards may be signed electronically and notified in digital form.
Tribunal powers in case management have been strengthened to support more effective procedural oversight.
Arbitration is increasingly becoming a digital-first process, reflecting both user expectations and the practical realities of the post-pandemic era.

5. Reinforced Transparency and Arbitrator Disclosure

The revised Rules significantly strengthen arbitrator disclosure obligations, adopting a “when in doubt, disclose” standard. Article 12(2) now explicitly requires prospective arbitrators to resolve any uncertainty in favor of disclosure, and parties are required to submit conflict-check lists at the outset.

This emphasis on proactive transparency underscores the ICC’s continued focus on legitimacy and trust in the arbitral process. Practically, enhanced transparency in an arbitrator’s

background may also help reduce costs — parties may feel more confident agreeing to a sole arbitrator rather than a three-member tribunal when they have greater visibility into the arbitrator's qualifications and potential conflicts.

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