

The new ICC Arbitration Rules (2026): The key changes



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The ICC has released the revised Rules of Arbitration (the "2026 Rules"), entering into force on **1 June 2026**. The 2026 Rules apply automatically to any arbitration commenced on or after that date, unless the parties have agreed to submit to an earlier edition. Below is an overview of the most significant changes and their practical implications.

1. Proceedings move faster from day one

Terms of Reference are abolished as a mandatory step. The Case Management Conference (CMC) — which must now take place within **30 days** of the tribunal receiving the file — becomes the critical early milestone. After the CMC, no new claims may be introduced without the tribunal's permission.

2. A New three-month Fast-Track option

The 2026 Rules introduce the **Highly Expedited Arbitration Procedure (HEAP)**: a final award within **three months** of the first hearing, for any amount in dispute. Key features:

- **Sole arbitrator:** the parties have 20 days to appoint a sole arbitrator. If they are unable to do so, the ICC Court will appoint one.
- **Front-loaded submissions:** claims and defences must be fully set out — with evidence — from the very first submissions.
- **Document only resolution:** the arbitrator has discretion to decide the case solely on documents, without a hearing and may decide not to permit document requests.
- **Unreasoned awards:** the parties may agree on an unreasoned award.
- **Flexibility to exit:** if HEAP becomes unsuitable, the parties may agree to discontinue it, or the Court may decide on its own motion that HEAP shall no longer apply, in which case the arbitration continues under the EPP or the standard Rules.

This procedure requires an **opt-in clause** in your arbitration agreement.

3. The Expedited Procedure applies to more disputes

The threshold for the **automatic** application of the Expedited Procedure (sole arbitrator, compressed timetable, award within six months) is raised from **US\$3 million to US\$4 million**.

4. Stronger Emergency Relief

Two significant upgrades to Emergency Arbitration:

- **Broader reach:** Emergency relief can now be sought against parties beyond the signatories to the arbitration agreement, including companies within the same group, where there is a basis to believe an arbitration agreement may bind them.
- **Preliminary orders:** For the first time, a party may obtain an emergency order **without notifying the other side** (*ex parte*) where advance notice would defeat the purpose of the relief (e.g. asset dissipation or evidence destruction).

5. Early Dismissal of Unmeritorious Claims

A party may now formally apply for **early determination** that a claim or defence is manifestly without merit or outside the tribunal's jurisdiction — disposing of weak positions at an early stage and saving time and cost.

6. Arbitrator Disclosure Obligations

The 2026 Rules now expressly require that any doubt about whether to make a disclosure must be resolved **in favour of disclosure**. Parties themselves are also required to submit **conflict-check lists** at the outset of proceedings, identifying persons and entities that arbitrators should consider when assessing their independence. Importantly, making a disclosure does not, by itself, establish a conflict of interest.

7. Arbitrator Confidentiality

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8. Award Time Limits

The longstanding default of six months from the signature of the Terms of Reference is replaced. The **President of the ICC Court** will now fix — and may extend — the time limit for the final award, aligned with the procedural timetable agreed at the CMC.

9. Fees and Costs

The 2026 Rules bring meaningful changes to how costs are administered and calculated:

- **Reduced costs** for disputes under **US\$10 million and upward adjustments** for larger disputes.
- **Bank guarantees:** a party may now request to post a bank guarantee in certain circumstances to cover its share on the advance on costs.
- **Third-party funding** must be disclosed, and payments from third parties may only be made with the ICC's prior acceptance. ^{CS}