

The 2026 ICC Rules of Arbitration: Five Consequences for Parties and Counsel

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Key Takeaways

- **The 2026 ICC Rules represent an ambitious reform of the ICC’s arbitral framework.** The 2026 Rules eliminate the mandatory Terms of Reference, introduce expanded fast-track procedures, codify arbitrator confidentiality obligations and require parties to submit conflict-check lists at the outset of proceedings. These reforms broadly align with the newly revised SIAC Rules and the LCIA’s ongoing rules revision. All three focus on enhancing procedural efficiency through expedited procedures, early determination and strengthened emergency arbitration.
- **Expanded fast-track procedures create new strategic choices at the contract-drafting stage.** The 2026 Rules introduce the Highly Expedited Arbitration Provisions (“HEAP”), designed to produce a final award within three months of the initial Case Management Conference. The Expedited Procedure Provisions (“EPP”)—designed to last six months—will now apply automatically to cases where the amount in dispute is under US\$4 million, up from the prior threshold of US\$3 million.
- **Emergency arbitrators can now grant broader and more immediate relief.** The 2026 Rules empower emergency arbitrators to issue preliminary orders—including on an ex parte basis—and to award relief against an expanded category of respondents. Parties facing urgent situations should reassess whether emergency arbitration, rather than national court proceedings, offers the most effective path to interim protection.
- **Parties bear new obligations to support arbitrator conflict checks from the outset.** The 2026 Rules require parties to submit, together with the Request for Arbitration or Answer, a list of persons and entities for prospective arbitrators to consider, shifting part of the conflict-identification burden to an earlier stage.

- **Simplified procedure and enhanced early disposition.** The new Rules eliminate the Terms of Reference and place greater emphasis on the Case Management Conference. Tribunals also have express authority for early disposition of manifestly unmeritorious positions, further encouraging procedural efficiency.

Introduction

The International Chamber of Commerce’s International Court of Arbitration has adopted the 2026 ICC Rules of Arbitration (the “2026 Rules”), which entered into force on 1 June 2026. The 2026 Rules introduce targeted reforms designed to enhance procedural flexibility, accelerate proceedings and provide tribunals with more effective case-management tools. The accompanying Note to Parties and Arbitral Tribunals (the “Note”) provides practical guidance concerning the conduct of arbitrations under the 2026 Rules.

The ICC’s reforms are part of a broader trend among leading arbitral institutions. The Singapore International Arbitration Centre’s (the “SIAC”) 2025 Rules introduced parallel reforms — including expanded expedited procedures, a new streamlined procedure, early dismissal mechanisms, and express authorization for virtual and hybrid hearings. The London Court of International Arbitration (the “LCIA”) is currently consulting on revisions to its own rules that address many of the same areas. For fuller explanation of last year’s SIAC Rules changes, see our 19 December 2024 [Debevoise in Depth](#) article.

This update highlights five practical consequences of the 2026 Rules that are likely to have the greatest impact on parties and counsel.

First: Greater Procedural Flexibility

The 2026 Rules eliminate the Terms of Reference as a mandatory procedural step.¹ The ICC’s own data confirms they had become largely redundant: across more than 1,000 cases conducted under the Expedited Procedure Provisions—where Terms of Reference were not required—fewer than 25 tribunals elected to prepare them.

The Case Management Conference now serves as the central procedural milestone, after which no party may introduce new claims without the tribunal’s authorization—a function previously performed by the Terms of Reference. Tribunals retain discretion to

¹ Compare 2026 Rules, art. 24, with ICC Rules of Arbitration 2021, art. 23(1).

require Terms of Reference where they consider them useful, for example in complex multi-party or multi-contract disputes. In practice, the removal of the mandatory requirement is likely to foster efficiencies, as information captured in the Terms of Reference was already required for the Case Management Conference or the first procedural order.

The 2026 Rules also encourage tribunals to hold additional Case Management Conferences during the conduct of the arbitration.² The Note elaborates on specific uses for these additional conferences, including engaging with the parties on document production disputes, reassessing the possibility of settlement, and discussing potential bifurcation.³ Although tribunals have long possessed the authority to convene additional conferences, the express encouragement in the 2026 Rules reflects a greater emphasis on resolving procedural and case management issues through direct engagement with the parties, rather than through formal applications and procedural orders. The SIAC 2025 Rules similarly emphasize active case management through ongoing procedural engagement, and the LCIA consultation addresses comparable themes.⁴

Parties and counsel should therefore expect more frequent Case Management Conferences—and for those conferences to carry greater procedural weight. This signals an increased role for oral advocacy in ICC proceedings. Practitioners should anticipate more opportunities to engage with the tribunal throughout the arbitration, rather than relying solely on written submissions in advance of the merits hearing.

Second: Express Early Determination Powers

The 2026 Rules now expressly authorize tribunals to determine, on an expedited basis, that a claim, defense, counterclaim or jurisdictional objection is manifestly without merit or manifestly outside the jurisdiction of the arbitral tribunal.⁵ The Note provides that such applications should be made “as promptly as possible” and confirms that the decision may take the form of an order or an award, depending on the circumstances.⁶ Although many tribunals already considered themselves empowered to adopt similar procedures, the 2026 Rules provide an explicit procedural authority to do so. The SIAC

² See 2026 Rules, art. 24(4); Note to Parties and Arbitral Tribunals on the Conduct of ICC Arbitration, 1 June 2026, p. 42.

³ See Note to Parties and Arbitral Tribunals on the Conduct of ICC Arbitration, 1 June 2026, pp. 42–43.

⁴ See, e.g., SIAC Rules 2025, Rules 11, 17, 24; [LCIA Rules Revision Consultation](#), 11 March 2026.

⁵ See 2026 Rules, art. 30(1).

⁶ See Note to Parties and Arbitral Tribunals on the Conduct of ICC Arbitration, 1 June 2026, p. 12.

2025 Rules include a comparable mechanism under Rule 47, and early determination is also among the themes of the LCIA Rules consultation.⁷

The explicit availability of early determination is likely to increase scrutiny of claims and defenses at the pleading stage, placing greater pressure on parties to ensure that their case is adequately pleaded from the outset. The practical impact will depend on whether tribunals embrace the mechanism as an active case-management tool.

Third: Expanded Fast-Track Options

The 2026 Rules increase the monetary threshold for the automatic application of the EPP from US\$3 million to US\$4 million.⁸ They also introduce new opt-in HEAP, designed to produce an award within three months of the initial Case Management Conference.⁹

While EPP retains many features of the standard ICC procedure, HEAP contemplates a fundamentally different process. Under HEAP, the claim and defense must be filed with the initial Request and Answer respectively, compressing the pleadings phase into the pre-Case Management Conference period.¹⁰ The initial Case Management Conference must be held within seven days of the file being transmitted to the sole arbitrator.¹¹ Crucially, no extensions of time are permitted under HEAP absent party agreement, and the three-month award clock runs from the initial Case Management Conference with limited scope for extension.¹² Joinder and consolidation—available under EPP—are expressly prohibited under HEAP.¹³ The SIAC 2025 Rules introduced a conceptually similar Streamlined Procedure, and expedited procedures are also among the themes of the LCIA Rules consultation.¹⁴

Although HEAP and the expanded EPP will primarily affect smaller disputes, they have broader strategic implications. Respondents facing claims below US\$4 million will need to assess promptly whether to opt out of the EPP, while parties across the value spectrum should consider whether HEAP's speed and cost advantages justify its

⁷ SIAC Rules 2025, Rule 47; [LCIA Rules Revision Consultation](#), 11 March 2026.

⁸ Compare 2026 Rules, Appendix V, art. 1(3), with ICC Rules of Arbitration 2021, Appendix VI, art. 1(2). The 2025 SIAC Rules reflect a similar trend: the threshold for automatic application of the SIAC Expedited Procedure was increased from S\$6 million to S\$10 million. See SIAC Rules 2025, Rule 14.2.

⁹ See 2026 Rules, Appendix VI, art. 7(1).

¹⁰ See *id.*, Appendix VI, arts. 2(1), 2(5).

¹¹ See *id.*, Appendix VI, art. 6(1).

¹² See *id.*, Appendix VI, arts. 2(9), 7(1).

¹³ See Note to Parties and Arbitral Tribunals on the Conduct of ICC Arbitration, 1 June 2026, p. 16.

¹⁴ See SIAC Rules 2025, Rule 13; *id.*, Schedule 2; [LCIA Rules Revision Consultation](#), 11 March 2026.

procedural constraints. The expanded fast-track framework also underscores the importance of early case assessment and tactical thinking about procedural design when a dispute first emerges.¹⁵

Fourth: Enhanced Emergency Relief

The 2021 ICC Rules allow a party to request the appointment of an emergency arbitrator to consider a demand for provisional relief before an arbitral tribunal is constituted. The 2026 Rules expand the scope of emergency arbitration in two respects.

First, they introduce a preliminary order mechanism. At any stage of the proceedings, and on an *ex parte* basis, an emergency arbitrator may order a party not to frustrate the purpose of the underlying application. Once such an order is issued, the emergency arbitrator must promptly give the other parties an opportunity to be heard and may modify or revoke the order. This fills a gap in the 2021 Rules and aligns the ICC framework with the SIAC 2025 Rules, which similarly authorize *ex parte* protective preliminary orders.¹⁶

Second, the 2026 Rules authorize emergency arbitrators to grant relief against non-signatories, extending the reach of emergency proceedings beyond the signatories-and-successors framework of the 2021 Rules. The accompanying Note also states that appointments of emergency arbitrators will be made in as short a time as possible and “normally within two days from the Secretariat’s receipt of the Application.”¹⁷

These reforms narrow some of the practical advantages historically associated with seeking interim relief from national courts rather than from an emergency arbitrator. While emergency arbitration is unlikely to displace court proceedings entirely, the availability of preliminary orders and the expanded scope of parties subject to emergency proceedings may lead parties confronted with urgent situations to assess more carefully whether emergency arbitration, court proceedings, or a combination of both provides the most effective path to immediate protection.

¹⁵ For a discussion of practical measures to promote efficiency in international arbitration—including the use of fast-track schedules with fixed deadlines—see the Debevoise Efficiency Protocol (2018).

¹⁶ See SIAC Rules 2025, Rule 12; *id.*, Schedule 1.

¹⁷ See Note to Parties and Arbitral Tribunals on the Conduct of ICC Arbitration, 1 June 2026, p. 9.

Fifth: Strengthened Arbitrator Disclosure and Appointment

The 2026 Rules codify two principles that previously appeared only in the Note to Parties and Arbitral Tribunals: any doubt as to whether a disclosure should be made must be resolved in favor of disclosure; and a disclosure does not, in itself, establish a lack of independence or impartiality.

In addition, parties must now submit—together with the Request for Arbitration, Answer or joinder application—a list of persons and entities that prospective arbitrators should consider for disclosure purposes, together with the reasons for their inclusion.¹⁸ The Note clarifies that a short description of each entity's relevance to the dispute is expected.¹⁹ In practice, this shifts part of the conflict-identification burden to the parties at an early stage and should accelerate the disclosure process, while the arbitrator remains ultimately responsible for identifying and disclosing potential conflicts. Notably, the SIAC 2025 Rules do not impose an equivalent obligation on parties to submit conflict-check lists but require arbitrators themselves to make pre-appointment disclosures and maintain a continuing duty of disclosure throughout the proceedings.²⁰

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Please do not hesitate to contact us with any questions.



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¹⁸ See 2026 Rules, art. 12(5).

¹⁹ See Note to Parties and Arbitral Tribunals on the Conduct of ICC Arbitration, 1 June 2026, p. 6.

²⁰ See SIAC Rules 2025, Rules 20.2–3.



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