

June 5, 2026

THE INTERNATIONAL CHAMBER OF COMMERCE PUBLISHES NEW 2026 ARBITRATION RULES

On June 1, 2026, the new ICC Rules of Arbitration (the “**2026 Rules**”, available [here](#)) entered into force. The 2026 Rules apply to all requests for arbitration filed on or after that date, regardless of when the underlying arbitration agreement was concluded. This revision, which amends the Rules that took effect in January 2021 (the “**2021 Rules**”), is the most substantial since 2012. Its objective is to provide greater transparency, efficiency and fairness by eliminating long-standing procedural friction and equipping tribunals with sharper case-management and merits-screening powers. The ICC has also published an article-by-article comparison of the two sets of rules (available [here](#)).

KEY TAKEAWAYS

❖ **Efficiency and Case Management.** Terms of Reference are no longer mandatory; the case management conference becomes the principal organizational tool, and proceedings should reach the merits faster.

❖ **Expedited Procedures.** The default Expedited Procedure threshold rises to US\$4 million for arbitration agreements concluded on or after June 1, 2026, substantially expanding the disputes resolved on an accelerated basis. A new opt-in “Highly Expedited” track targets a final award within roughly three months.

❖ **More Interventionist Tribunals.** Tribunals gain an express early-determination power to dispose of claims or defenses that are manifestly without merit or outside jurisdiction.

❖ **Digitalization and Sustainability.** Electronic filing and communication become the default, and arbitrator disclosure standards are codified and tightened.

❖ **Broader Emergency Proceedings.** Emergency arbitration is broadened to reach certain non-signatories and now expressly contemplates preliminary orders (including *ex parte* orders).

❖ **Transparency and Integrity.** Codified disclosure standards reinforce confidence in arbitrator independence and the enforceability of awards.

BACKGROUND AND CONTEXT

The ICC administers several hundred new cross-border cases each year across virtually every industry and region. The 2026 revision responds to two pressures shaping institutional reform: sustained user demand for lower cost and shorter disputes’ timelines, and the need to align the Rules with digital practice and increasingly complex, multi-party corporate structures. ICC statistics show that a significant share of 2025 cases involved lower-value disputes, with the median amount in dispute of approximately US\$5 million. This data directly informed the expanded threshold for expedited procedures discussed below (*see* ICC 2025 Statistics, accessible [here](#)).

MOST RELEVANT CHANGES IN THE 2026 RULES

Elimination of Mandatory Terms of Reference (Art. 23, 2021 Rules)

The 2021 Rules required tribunals to issue Terms of Reference—defining the parties, claims, and issues—typically within 30 days of receiving the file. The 2026 Rules eliminate this requirement, but tribunals retain discretion to adopt Terms of Reference where useful. The case management conference (Art. 24) assumes the central organizing role and should be convened promptly. **In practice**, this should compress the opening phase and reduce early costs. Because Terms of Reference historically crystallized

the scope of the dispute, parties should be deliberate from the outset—through the request, answer, and early procedural orders—about defining and preserving the boundaries of the case. Failure to do so might have the unintended effect of expanding the scope of the dispute at later stages.

Expanded Expedited Procedure and New “Highly Expedited” Track (App. V and VI)

Under the 2021 Rules, the Expedited Procedure applied by default, absent contrary agreement, to disputes with a claim amount below US\$3 million for agreements concluded on or after January 1, 2021, and US\$2 million for agreements executed between March 1, 2017 to January 1, 2021. For agreements concluded on or after June 1, 2026, the default threshold rises to **US\$4 million**. Earlier agreements will continue to be governed by the lower thresholds. The 2026 Rules also add an opt-in **Highly Expedited** track—combined request and statement of claim, a sole arbitrator, no joinder or consolidation, and a final award within roughly three months. We anticipate that many mid-market disputes will now default into accelerated, sole-arbitrator proceedings. Parties preferring three-member tribunals or anticipating factually complex claims should consider opting out or setting bespoke thresholds in the arbitration agreements. On the other hand, parties prioritizing a speedy resolution may opt into the Highly Expedited track.

Early Determination of Claims and Defenses (Art. 30)

The 2021 Rules contained no express early-determination mechanism, leaving tribunals to rely on general procedural powers with uneven practice. Article 30 now codifies an express power for a party to apply for early determination of claims or defenses that are “manifestly without legal merit” or “manifestly outside the arbitral tribunal’s jurisdiction.” **In practice**, this provides a sanctioned route—analogueous to dispositive motion practice familiar to U.S. litigators—to dispose of meritless or jurisdictionally defective claims without a full hearing and early in the case. Counsel should reserve it for genuinely clear cases, as speculative applications risk delay and adverse costs.

Default Electronic Filing and Communications (Art. 3)

The 2021 Rules provided for electronic transmission of submission without making it the default methodology. Article 3 now establishes electronic transmission as the default option for written communications, reserving hard copy for limited circumstances (*e.g.*, transmission against receipt, registered post, or courier, or where electronic transmission is impracticable). This codifies established practice and advances the ICC’s efficiency and sustainability goals. Parties should confirm that reliable electronic service channels are available at the outset of the dispute and remain attentive to cybersecurity and data-protection considerations.

Codified and Strengthened Arbitrator Disclosure (Art. 12)

Disclosure expectations were previously addressed chiefly in the ICC’s Note to Parties and Arbitral Tribunals rather than the Rules. Article 12 now elevates key principles into the Rules, including that any doubt about whether to disclose should be resolved “in favor of disclosure,” alongside the clarification that disclosure does not, by itself, establish a lack of independence or impartiality. **In practice**, codification should promote broader, full, and earlier disclosure and reduce later challenges to arbitrators and awards. Parties should maintain rigorous conflicts diligence and calibrate challenge strategy accordingly.

Enhanced Emergency Arbitration, Including Preliminary and Ex Parte Orders (App. IV)

Emergency relief was previously confined largely to signatories and their successors, with no express provision for preliminary or *ex parte* orders. The 2026 Rules broaden the regime and allow parties to seek **preliminary orders** preventing opponents from frustrating the purpose of pending applications—obtainable even without prior notice where circumstances require, after which the affected party must

promptly be given a reasonable opportunity to be heard. **In practice**, this reflects situations involving complex corporate structures where urgent relief may be needed against affiliates or non-signatories. This option strengthens the efficacy of emergency relief while preserving due process. Applications should be factored in pre-dispute planning where asset-dissipation or status-quo risks are material.

Confidentiality and Award Time Limits (Arts. 12, 23, 34)

The 2026 Rules refine the confidentiality framework, imposing an express obligation on arbitrators to keep matters relating to the arbitration confidential subject to customary exceptions (Art. 12), while preserving the tribunal's authority to make confidentiality orders and protect trade secrets (Art. 23). The Rules continue to discipline the period for issuing the final award, with the President of the Court fixing and, where warranted, extending the time limit (Art. 34). For users, these provisions reinforce predictability on both confidentiality and timing.

IMPORTANT CONSIDERATIONS FOR PARTIES

❖ ***Review arbitration clauses*** against the default US\$4 million expedited threshold and sole-arbitrator default; opt out, set a bespoke threshold, or specify a three-member tribunal where appropriate.

❖ ***Consider opt-in mechanisms*** such as the Highly Expedited track for high-value, time-sensitive relationships.

❖ ***Plan for early determination*** as a tool to dispose of, or defend against, manifestly deficient claims.

❖ ***Address confidentiality and data security*** in the clause and at the first case management conference.

❖ ***Account for emergency relief*** in pre-dispute and asset-protection planning, particularly when dealing with complex corporate structures.

CONCLUSION

The revisions included in the 2026 Rules imply the most significant modernization of ICC arbitration rules in over a decade. By retiring mandatory Terms of Reference, broadening expedited procedures, and equipping tribunals with express early-determination and enhanced emergency powers, the ICC aims to make its procedures faster and leaner while preserving the safeguards essential to enforceable awards. The most immediate consequence is felt at the drafting table: clauses signed on or after June 1, 2026 will be measured against the new default mechanisms, making clause review an immediate priority.

For more information on the new ICC Rules and their potential impact on your disputes, please contact us.

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