

## **ICC Arbitration Rules revised: even faster expedited arbitrations?**

By Dr Caroline Kenny K.C <sup>1</sup> & Prof. Arran Dowling-Hussey <sup>2</sup>

Paris based International Chamber of Commerce ('ICC') is one of the leading worldwide arbitral institutions. Their arbitration rules were approved for revision, in recent weeks, and the latest iteration of the rules will come into effect from June 1, 2026. As a result, these new rules will only apply to arbitrations filed after that date otherwise the present 2021 rules will apply. Around 200 cases a year are presently heard under the existing ICC expedited process. It was an innovation that was viewed with a degree of scepticism when first introduced in 2017. But it can now be seen as a tried and tested procedure which meets users expectations and needs. Other leading arbitral institutions have also had expedited procedures for many years and, on that point, a review of the streamlined provisions introduced last year into the rules of the Singapore International Arbitration Centre (SIAC) is also offered below. The @4-5 Gray's Inn Square Arbitration Group will return as may be needed, over the next month or two, to comment on other aspects of the new rules but the comments below are confined to the changes to the expedited proceedings process.

### **Financial Thresholds.**

As will be expected in any exercise of this type financial thresholds have been increased as it is 5 years since the last revision of the rules. There has been around 25% inflation over this time. The applicable figure, with some local variations such as in Brazil, for

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<sup>1</sup> Prof. Arran Dowling-Hussey is a barrister and arbitrator practising from 4-5 Gray's Inn Square he can be contacted at [adhussey@4-5.co.uk](mailto:adhussey@4-5.co.uk)

<sup>2</sup> Dr Caroline Kenny KC is a Chartered Arbitrator and Fellow of the Chartered Institute of Arbitrators, the Trustee for Australasia of the Chartered Institute of Arbitrators and an international tenant of 4-5 Gray's Inn Square. She can be contacted at [clerks@4-5.co.uk](mailto:clerks@4-5.co.uk)

expedited arbitration will from the middle of this year now be that Expedited Procedure Provisions ('EPPs') cover disputes with a value of up to \$4 million rather than the former figure of \$3 million.

### **Present rules of play**

The 2021 EPPs have as stated been in place since 2017 with revisions to the rules governing EPP's then put in place in 2021. Originally EPP's arose as a matter of course for any arbitration commencing after March 1, 2017 where the value of the claim was under \$2 million. This was then increased to \$3 million on the introduction of the 2021 rules. It is possible to 'opt out' of these provisions but also to 'opt-in.' A recent ICC Working Group's review of EPPs from 2017-2024 suggests that few parties choose to opt out. It suggests that about one sixth of EPPs are from parties that were not bound to use the procedure but chose to 'opt in.' Under the outgoing ICC rules an EPP needs to be concluded with an award issuing within six months.

### **Even Quicker Expedited Arbitration?**

The highly expedited proceedings allowed for under the new rules will need to be 'opted in to'. The proceedings will be dealt with within a 3 month time period. In those circumstances it will not be possible to once the 'clock starts; to have consolidation or joinder of other parties. Unless it is contrary to local law the parties can agree to have an unreasoned award. The arbitrator for such expedited proceedings will need to be agreed within 20 days and, failing agreement, in the normal way an application will have to be made to the supervisory court.

## **New SIAC Rules**

An innovation introduced by the 2025 SIAC Rules is a new streamlined procedure for claims under SGD 1 million. This procedure is mandatory for claims under \$1 million unless the President of SIAC determines that it should not apply. Where the procedure does apply, the arbitration is conducted on the basis of written submissions and documentary evidence; requests for document production are not permitted. The award is to be delivered within 3 months of the constitution of the Tribunal. This rule is aimed at reducing cost and increasing efficiency for smaller claims

## **Conclusion**

Not all parties, or their lawyers, will want to engage in an expedited ICC arbitration or indeed an even quicker expedited process as allowed for from June 1, 2026. Having in a sense to ‘drop everything’ will not suit everyone. But the increase in the choices available to users of arbitration is welcome. Statistics suggest that prior to the revision of the rules about one sixth of ICC arbitrations were dealt with by the form of expedited arbitration put in place under the 2021 rules which allows for a sixth month period rather than a three-month period. Time will tell as to whether this faster route will lead to even greater use of expedited arbitration. Perhaps it is more so driven by existing users saying, *‘thank you but could you make it even faster?’* Members of 4-5 Gray’s Inn Square are familiar with all major arbitral rules and can advise clients on any issue arising from the new ICC arbitration rules.

Members of 4-5 Gray's Inn Square's Arbitration group are ready to take instructions, providing advocacy and advisory support in all ADR related matters disputes. 4-5 Gray's Inn Square Arbitration Group Members represent clients in all aspects of domestic and international Construction and Engineering disputes, Insurance disputes and Commercial matters more generally. Members of the group can advise on an urgent basis and to an agreed timeline. There are 26 members of the Group, including 3 silks, allowing for wide coverage of clients' needs. Members of the team are also regularly appointed as Adjudicators, Arbitrators and Mediators. Queries as to the professional availability of members of the group can be directed to Stephen Somerville, on +44 (0)20 7404 5252 or by email to [clerks@4-5.co.uk](mailto:clerks@4-5.co.uk)