Hurry Up, Arbitration!

A Historical View on Time Efficiency of Arbitration in the Nordics

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1. Introduction

The focus on achieving time efficiency in arbitration can be taken for granted, but a historical analysis reveals that the Nordic arbitration institutes, especially the SCC Arbitration Institute (SCC), but also the Finland Arbitration Institute (FAI) have been at the forefront of introducing some of the measures aiming at keeping the duration of arbitration in check.

When discussing efficiency in the context of arbitration, one typically considers the time and cost efficiency of the process. The quality of arbitration is often an assumed feature, but it should not be forgotten.[1] An arbitration which ends with an unenforceable award is certainly neither time nor cost efficient.

The aim of this article is to conduct a historical analysis of the measures introduced within the arbitration rules of arbitral institutes in the Nordics, as well as, the changes in the arbitration acts of the respective countries that aim at shortening the duration of arbitration. The main focus is on the Swedish and Finnish Arbitration Acts, as well as the SCC and the FAI Arbitration Rules. The UNCITRAL Model Law and rules of the relevant international arbitral institutions are referred to in order to provide a broader international perspective.

After a discussion on the general requirement of efficiency in the Nordic arbitrations, the article is focused around the following measures: time limits for awards, case management conference and timetable, expedited arbitra-

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1 On the topic of efficiency from the point of view of time, cost and quality of arbitration see Jennifer Kirby, *Efficiency in International Arbitration: Whose Duty Is It?* Journal of International Arbitration, 32, No. 6, 2015, pp. 689–696.

tion, emergency arbitrator, summary procedure and practical aspects.[2] Relevant statistics from the SCC and FAI arbitrations are provided in respective sections.

2. General requirements of efficiency in arbitration acts and arbitration rules

Arbitration is inherently considered to be a dispute resolution method where time efficiency is of high importance and arbitration acts provide a framework that supports efficiency. The UNCITRAL Model Law provides that arbitrators may lose their mandate if they cause delay. Arbitration acts in the Nordic countries contain provisions to the same effect.[3]

However, from an international perspective, the Swedish and Finnish arbitration acts are remarkable in that alongside the most important procedural principles, such as party autonomy, impartiality and due process, they explicitly require that the arbitrators conduct the arbitration in a time-efficient manner. This means that the arbitrators are expected to not only avoid causing delay with their own actions, but they should also create a time-table and make procedural orders that aim at the proceedings being fast.

Section 21 of the Swedish Arbitration Act prescribes that '[t]he arbitrators shall handle the dispute in an impartial, practical and *speedy manner*.[4] (…)'. Section 23 of the Finnish Arbitration Act provides that the arbitrators may conduct the arbitration 'as they consider appropriate, subject to the provisions of this Act and taking into account the requirements of impartiality and *speed*.'[5] Moreover, Section 27.1 of the Finnish Arbitration Act states

[2] Considerations of efficiency in multiple contract arbitration, consolidation of arbitrations, and joinder, as well as efficiency regarding post-award proceedings are not considered.

[3] See Section 16.1 of the Norwegian Arbitration Act, Section 14.1 of the Danish Arbitration Act which are based on Article 14.1 of the UNCITRAL Model Law. The Swedish and Finnish Arbitration Acts provide similar regulation where delaying the proceedings can lead to being removed as an arbitrator. See Section 19.2 of the Finnish Arbitration Act, Section 17 of the Swedish Arbitration Act.

[4] In the original Swedish language version: *snabbt*. For more on speediness in Swedish arbitration see e.g. Stefan Lindskog, *Skiljeförfarande. En kommentar,* Tredje upplagan, Norstedts Juridik, 2020, pp. 643–645.

[5] Own translation. The available English translation of the Finnish Arbitration Act uses the word expediency, but the Finnish language version uses the word *joutuisuus* and the Swedish language version of the Finnish Arbitration Act refers to *snabbhet* which translate

that the arbitrators shall promote an appropriate and *speedy* resolution of the dispute.[6]

The Norwegian and Danish Arbitration Acts are based on the UNCITRAL Model Law on International Commercial Arbitration which provides the pivotal procedural principles in Article 18 referring to due process requirements, and Article 19 underlining party autonomy and in lack of parties' agreement tribunals' discretion to conduct the proceedings in a manner it considers appropriate. Time efficiency is not explicitly enumerated alongside the key procedural principles.

Arbitration rules commonly require the tribunal to conduct the proceedings efficiently. From a Nordic perspective, the SCC Rules provided already in their Rules of 1988 that the arbitral tribunal shall deal with the case in an impartial, practical *and speedy* fashion.[7] In the 1999 Rules the requirement of expeditiousness was placed also on the SCC Institute.[8] Since 2017 the requirement of speediness is broadened to other participants when a rule regarding general conduct of the participants to the arbitration is added. Accordingly, under Article 2.1 of the SCC Rules the SCC, the tribunal and the parties shall act in an efficient and expeditious manner.[9] If a party resorts to dilatory tactics, or is otherwise causing delay, the tribunal can allocate the cost taking into account the party's 'contribution to the efficiency and expeditiousness of the arbitration.'[10]

The 1993 FAI Arbitration Rules provided that the tribunal conducts the proceedings 'having regard to the requirements of impartiality and promptness.'[11] In the 2013 FAI Rules, four years ahead of the SCC Rules, the requirement of efficiency was broadened to all participants of the proceedings. Article 25.3 (currently 26.3) provides that '[a]*ll participants* in the arbitral proceedings shall act in good faith and make every effort to *contribute to the efficient* conduct of the proceedings in order to avoid unnecessary costs

into speed. For more on efficiency in Finnish arbitration see e.g., Mika Hemmo, *Välimiesmenettely*, Alma Talent, 2022, pp. 62–64.

6 Own translation.

7 Rule 16.2 of the SCC Arbitration Rules of 1988. The wording has changed to impartial, practical and expeditious manner since 2007 and is currently provided in Article 23.2 of the SCC Arbitration Rules of 2023.

8 Article 9 of the SCC Arbitration Rules. The requirement of expeditiousness placed on the arbitral tribunal is provided in article 20.3 of the Rules.

9 Article 2.1 of the 2017 and 2023 SCC Arbitration Rules.

10 Article 50 of the 2017 and 2023 SCC Arbitration Rules.

11 Article 20.2 of the 1993 FAI Arbitration Rules.

and delays.'[12] The FAI Rules also emphasize that if a party fails to comply with the above, the tribunal can 'take such failure into account in its allocation of the costs of the arbitration.'[13] It is further stressed that by agreeing to FAI Rules, the parties undertake to comply with tribunals orders without delay.[14]

The Danish Institute of Arbitration (DIA) 2021 Arbitration Rules provide in Article 28 that both the tribunal and the parties are to make sure that 'the case is conducted *within a reasonable time* and in an *efficient* and cost-conscious manner.' This is a relatively new wording that has been introduced to the DIA Arbitration Rules in 2013.[15] The previous versions of the rules reflected the aim of efficiency by emphasizing the possibility of assistance of the Danish Institute in ensuring efficient conduct of the case.[16]

From a broader, international perspective, time efficiency has been emphasized already in the ICC Arbitration Rules of 1975 where Article 14.1 contained a formulation familiar to the current ICC Rules: '[t]he arbitrator shall proceed *within as short a time as possible* to establish the facts of the case by all appropriate means.' Expeditiousness of the proceeding is also underlined in e.g., the LCIA Arbitration Rules,[17] the ICDR Arbitration Rules,[18] the Swiss Rules,[19] the HKIAC Arbitration Rules,[20] as well as the UNCITRAL Arbitration Rules.[21]

Arbitration rules and acts generally provide a framework that aims at efficient dispute resolution, even when time efficiency is not explicitly enumer-

[12] Article 25.3 2013 FAI Arbitration Rules and Article. 26.3 of the 2020 and 2024 FAI Arbitration Rules.

[13] Article 25.3 2013 FAI Arbitration Rules and Article 49.4 of the 2020 and 2024 FAI Arbitration Rules.

[14] Article 25.4 of the 2013 FAI Arbitration Rules and Article 26.4 of the 2020 and 2024 FAI Arbitration Rules.

[15] See Article 18 of the 2013 DIA Arbitration Rules.

[16] See e.g., Article 30.1 2008 DIA Arbitration Rules.

[17] Article 14.1(ii) in the 2020 LCIA Arbitration Rules, Article 14.4(ii) in the 2014 LCIA Arbitration Rules, and Article 14.1(ii) in the 1998 LCIA Arbitration Rules.

[18] Article 22.2 of the 2021 ICDR Arbitration Rules, Article 20.2 of the 2014 ICDR Arbitration Rules.

[19] Article 16.1 of the 2021 Swiss Rules.

[20] Article 13.1 of the 2024 Hong Kong International Arbitration Centre (HKIAC) Arbitration Rules.

[21] Article 17.1 of the UNCITRAL Arbitration Rules. The 1976 version of the UNCITRAL Arbitration Rules only referred to due process rights, whereas since 2010 avoiding unnecessary delay and an efficient process of for resolving the dispute have been added after the obligation to respect due process rights of the parties.

ated as one of the procedural requirements. As the framework ensures broad flexibility, the proceedings could also be inefficient. However, when the rules and the law provide a general requirement of efficiency of the proceedings it gives motivation and an additional tool to the arbitrator's toolbox to ensure a speedy resolution of the dispute. This does not mean that efficiency will trump due process rights of the parties,[22] but it should be seriously taken into account during the balancing act of assessing whether a party has had a reasonable opportunity to present its case. In conclusion, when the legal framework provides time efficiency as one of the requirements of the conduct of the arbitration, it can be used as an antidote against due process paranoia.

3. Time limits for awards

One concrete way to ensure that the proceedings are efficient is to provide a deadline for rendering the award.

Arbitration acts in the Nordic countries do not provide any deadline for an award. This issue has been discussed in the preparatory works to the Swedish Arbitration Acts. It was emphasized that the Act shall require that the proceedings aim at being practical and speedy, but how fast the proceedings should be will depend on the complexity and scope of the dispute.[23] Providing a deadline for an award in an arbitration act would be problematic, as one would need to put the burden of prolonging such a deadline on the already overloaded national courts. It is worth mentioning that the Swedish Arbitration Act provides that an award can be set aside if it has been rendered after a deadline agreed upon by the parties. From an international perspective it is very unusual to see the foregoing as a separate ground for a set aside as it is typically encompassed within the excess of mandate ground.

Arbitration institutes in the Nordics, on the other hand, have a long history of providing a deadline for rendering an award. The SCC Arbitration Rules of 1976 have required that an award is rendered no later than a year after the appointment of the tribunal and gave the institute the right to prolong this period.[24] In the 1988 SCC Arbitration Rules the time starts to be

[22] See Lindskog, supra 4, pp. 643–644 and Hemmo, supra n. 5, p. 64.

[23] Prop. 1998/99:35, p. 109.

[24] Rule 17 of the 1976 SCC Arbitration Rules: An award shall be made not later than one year after the appointment of the arbitral tribunal. Provided, however, that the Institute may, at the request of a party or of the arbitral tribunal, for good reasons extend this period.

calculated from when the case was referred to the tribunal.[25] Since 1999 the deadline for the award in the SCC Arbitrations is shortened to six months from the time the case is referred to the tribunal. This trend follows the practice of the ICC which has provided a six-month deadline for approximately five decades.[26]

Also, the FAI Arbitration Rules provide for a deadline for rendering an award. The 1993 FAI Arbitration Rules provided that the award is rendered no later than one year after the tribunal received the case file. Since 2013 the deadline has been shortened to nine months.[27]

The deadlines for rendering the award established in the FAI and SCC Rules can be extended by the respective institutes. It is therefore interesting to look at statistics regarding the length of the proceedings to assess the impact of the deadlines on the time efficiency of the proceeding.

3.1 Statistics regarding the duration of the SCC and FAI arbitrations

In 2024 the average duration of arbitration proceedings under the standard SCC Arbitration Rules was 16,1 months, compared with 11 months under the standard FAI Arbitration Rules.[28]

For a historical perspective, one can reach to the 2024 SCC Report on Costs which analyzed data on SCC arbitrations between 2015 and 2022 and compared them against the 2016 SCC Report which focused on data between 2007 and 2014. The 2024 SCC Report revealed that the SCC arbitrations during the time period of 2015–2022 have been more efficient with the median duration of disputes decided by sole arbitrators was 7 months against 10,3 months according to the 2016 Report, and 10 months for disputes decided by three arbitrators against 15,8 months according to the 2016 Report.[29]

According to the FAI 2024 statistics the median duration of arbitrations under the FAI Arbitration Rules was 9 months in cases where the final award

[25] Article 26 of the 1988 SCC Rules.

[26] The ICC has provided a 6-month deadline counted from signing the terms of reference for rendering an award already in the ICC Rules of Conciliation and Arbitration of 1975 and has kept that same rule up until this day.

[27] See Article 42 of the 2024 FAI Arbitration Rules.

[28] Natalia Petrik, 2025 Survey Report on Nordic Arbitral Institutions, p. 13.

[29] Jake Lowther, Lorenzo Nizzi, Samuel Hörberg Delac, *Costs of arbitration and apportionment of costs under the SCC Rules*, p. 22, (further referred to as SCC Report on Costs).

was rendered.[30] This is consistent with the statistics for previous years. The 2023 statistics refer to a median of 8,9 months in cases under the FAI Arbitration Rules where the final award was rendered, and 8,4 months in all cases under the Rules.[31] According to the 2021 and 2017 statistics the median duration under the FAI Arbitration Rules was 8 months.

What needs to be remembered is that the deadline for the award is counted from the time the tribunal receives the case file and the statistics on the length of the proceedings count the time from the commencement of the case. The process before the tribunal is established and the case file can be transferred to it can be short, but in some cases, it can also take many months.

4. Case management conference and timetable

Another tool that has impact on efficiency is the requirement of arbitrators to conduct a case management conference and establish a timetable for the arbitration.

Since 2007 the SCC Arbitration Rules oblige the tribunal to establish a provisional timetable. Since 2017 the SCC Arbitration Rules require that the tribunal also holds a case management conference 'to organize, schedule and establish procedures for the conduct of the arbitration.'[32] The Rules provide further that the tribunal is to "seek to adopt procedures enhancing the efficiency and expeditiousness of the proceedings."[33] The timetable is to be established during or immediately after the case management conference.[34]

FAI Arbitration Rules provided for an early preparatory conference with the parties in order to organize and schedule the proceedings already since 2013. This is, however, a recommended rather than an obligatory step in the proceedings, as the tribunal can forego holding this preparatory meeting if the tribunal determines it unnecessary.[35] Establishing a procedural timetable, however, is obligatory under the FAI Arbitration Rules regardless of whether a preparatory conference has been organized. When establishing the time-

30 See https://arbitration.fi/wp-content/uploads/fai-statistics-2024-1.pdf, p. 3, 19.5.2025.

31 See https://arbitration.fi/en/resources/statistics/.

32 See Article 28 of the 2017 SCC Arbitration Rules and the current 2023 SCC Arbitration Rules.

33 Article 28.3 of the 2023 SCC Arbitration Rules.

34 Article 28.4 of the 2023 SCC Arbitration Rules.

35 See Article 29.1 of the 2013 FAI Arbitration Rules, Article 30.1 of the 2020 and 2024 FAI Arbitration Rules.

table the tribunal should consider parties' views, fairness as well as time and cost efficiency of the proceedings.[36]

The ICC Arbitration Rules have suggested a meeting of the tribunal with the parties when drawing up the terms of reference already in the 1975 ICC Rules.[37] Since 2012 ICC Arbitration Rules have required that the tribunal holds a case management conference.[38] The LCIA Arbitration Rules provided a recommendation for the tribunal to 'make contract' regarding the conduct of the proceedings with the parties only since 2014.[39] Under the current, 2020 LCIA Arbitration Rules it is no longer just encouraged, but required that the tribunal has contact with the parties either in person, virtually or through correspondence.[40] Since 2010 the UNCITRAL Arbitration Rules have required that the tribunal establishes a procedural timetable, but there is no obligation to call a preparatory conference with the parties.

Interestingly, the ICDR International Arbitration Rules provide apart from a preparatory conference held by the tribunal[41] also for an administrative conference – which can be called by the administrator, even before the tribunal is constituted, in order to inter alia discuss matters that could impact on the efficiency of the proceedings.[42]

The growing number of arbitration rules which recommend or even require that the tribunal meets with the parties early on in order to organize the proceeding shows the perceived need to ensure that an efficient timetable and detailed rules regarding the conduct of the procedure are established at the outset. Such an early communication can help avoid misunderstandings, for instance, regarding varying expectations regarding evidence taking, that could cause delays later in the proceedings.

36 Article 30.2 of the 2013 FAI Arbitration Rules and Article 31.2 of the 2020 and 2024 FAI Arbitration Rules.

37 The Terms of Reference are to be drawn up on the basis of documents or in the presence of the parties. See e.g., Article 13.1 of the 1975 as well as 1988 ICC Arbitration Rules, Article 18.1 of the 1998 ICC Arbitration Rules.

38 Article 24.1. of the 2012 ICC Arbitration Rules, present also in the current 2021 ICC Arbitration Rules.

39 Article 14.1 of the 2014 LCIA Arbitration Rules.

40 Article 14.3 of the 2020 LCIA Arbitration Rules.

41 The preparatory conference is called a procedural hearing since the 2021 version of the Rules. See Article 22.2 of the 2021 ICDR International Arbitration Rules.

42 Article 4 of the 2021 ICDR International Arbitration Rules.

5. Expedited arbitration

An arbitration proceeding where the tribunal has six months to render an award from the time the case is referred to it was not considered fast enough for some cases and in the chase for speed the SCC established in 1995 the SCC Expedited Arbitration Rules. This was in fact a groundbreaking achievement at the time.[43]

The other institutes followed suit. Currently many institutes provide services for regular arbitration and for expedited arbitration, including those in the other Nordic countries like FAI and DIA. Notably, the LCIA did not introduce separate rules for expedited arbitration, but instead in 2014 added a possibility of expedited formation of the tribunal[44] and expedited appointment and replacement of an arbitrator.[45] In 2021, Expedited Arbitration Rules have been added as an annex to the UNCITRAL Arbitration Rules.

According to the SCC Expedited Arbitration Rules of 1995 the dispute was to be resolved by a sole arbitrator,[46] as a starting point without an oral hearing which was held only if a party requested it *and* if the tribunal deemed it necessary.[47] The award was to be rendered within three months after the case was referred to the arbitrator[48] and it did not need to be reasoned, unless a party requested a reasoned award.[49]

There has been considerable development within the SCC Expedited Rules over the years,[50] but the current, 2023 SCC Expedited Arbitration Rules, contain the same limitations aimed at time efficiency as the ones introduced in 1995.

[43] Arbitration Rules of the Chamber of Commerce and Industry of Geneva of 1992 are mentioned by some as the first expedited rules. See Aceris Law, https://www.acerislaw.com/expedited-arbitration/ (16.1.2025). However, they only provided one provision for expedited procedure within the normal rules. The expedited procedure introduced a 6-month deadline for the award from the day the tribunal received the case file. (Article 31 of the CCIG Rules) This is, therefore, not comparable with the SCC Expedited Rules of 1995 which were the first set of bespoke rules for expedited arbitration.

[44] Article 9A of the 2014 and 2020 LCIA Arbitration Rules.

[45] Article 9C of the 2014 and 2020 LCIA Arbitration Rules.

[46] Article 1 of the 1995 SCC Expedited Arbitration Rules.

[47] Article 16 of the 1995 SCC Expedited Arbitration Rules.

[48] Article 21 of the 1995 SCC Expedited Arbitration Rules.

[49] Article 23 of the 1995 SCC Expedited Arbitration Rules.

[50] The 2023 SCC Expedited Arbitration Rules contain a little more than double the number of articles compared to the 1995 version and cover such issues as joinder, multiple contracts, consolidations, case management conference, interim measures, and summary procedure to name a few.

The FAI Rules for Expedited Arbitration are based on the same main solutions that aim at efficiency. The disputes under the expedited procedure are to be resolved by a sole arbitrator,[51] a hearing is held only if requested by a party and deemed necessary by the sole arbitrator,[52] the award does not need to contain reasons unless otherwise requested by a party[53] and the award shall be rendered within three months from when the arbitrator received the case file.[54]

The DIA has created Rules for Simplified Arbitration which diverge from the SCC and the FAI Expedited Arbitration Rules in that they require the sole arbitrator to be a lawyer[55] and recommend that the draft of a reasoned award[56] is sent to the DIA Secretariat within thirty days from the time the sole arbitrator received the case.[57] The award is then scrutinized.[58]

The SCC Expedited Arbitration Rules and the FAI Rules for Expedited Arbitration apply only in arbitrations where the parties agreed to them specifically. This is in contrast to e.g., the ICC Expedited Procedure Provisions which will apply not only when the parties have agreed to them, but also where the parties agreed to ICC Arbitration Rules after 1 March 2017, and the amount in dispute does not exceed two million USD or three million USD in 2021 or later, and the parties have not opted out of the ICC Expedited Procedure Rules.

5.1 Statistics regarding the SCC and FAI expedited arbitrations

According to the newest SCC Report on Costs which analyzed the SCC cases between 2015 and 2022, the SCC Expedited Arbitration Rules can be considered as highly successful as approximately one third of cases registered within the SCC are expedited arbitrations.[59] The Expedited Arbitration Rules are especially popular in domestic arbitrations as sixty out of seventy expedited arbitrations are domestic.[60] In 2024 approximately 35% of arbitrations were conducted under the SCC Expedited Rules as compared to 53%

51 Article 16 of the 2024 FAI Rules for Expedited Arbitration.
52 Article 35.1 of the 2024 FAI Rules for Expedited Arbitration.
53 Article 41.1 of the 2024 FAI Rules for Expedited Arbitration.
54 Article 42 of the 2024 FAI Rules for Expedited Arbitration.
55 Article 9 of the 2013 DIA Rules of Simplified Arbitration.
56 Article 19.2 of the 2013 DIA Rules of Simplified Arbitration.
57 Article 19.1 of the 2013 DIA Rules of Simplified Arbitration.
58 Ibid.
59 SCC Report on Costs, supra n. 29, p. 6.
60 Ibid.

of cases being conducted under the standard SCC Arbitration Rules.[61] This is a decrease compared to the previous year where 38% of arbitrations where expedited versus 55% of standard arbitrations.[62]

According to FAI 2024 statistics, the expediated procedure was used in 12% of cases, compared to 87% of arbitrations under the standard arbitration rules and 1% of ad hoc cases. This is a decrease in popularity of expedited arbitrations as compared with the previous year where the FAI Expedited Rules were used in 18% of cases.[63]

In 2024, the average length of arbitrations under the SCC Expedited Rules was 6,5 months, compared with 5,4 months under the FAI Expedited Rules.[64]

According to the more detailed SCC statistics for 2024 92% of proceedings under the SCC Expedited Rules concluded within six months, 7% of cases took between over six to eighteen months and in 2% of cases the proceeding took more than three years.[65] In 2023 all expedited arbitrations were concluded within six months with 47% of cases ending within three months and 53% of cases over 3,1 months to 6 months.[66] Looking back for a historical perspective, in 2017 54% of cases under the SCC Expedited Rules were concluded with rendering an arbitral award within 3 months, 38% 3,1 to 6,1 months and 8% 6,1–9,1 months.

According to the FAI statistics for 2024 which do not provide as detailed data as the SCC statistics, the median duration of proceedings under the FAI Expedited Rules was 3,4 months in cases where the final award was reached.[67] This is consistent with the previous year's statistics according to which the median duration was 3,1 months in cases where the final award was reached.[68]

6. Emergency arbitrator

An innovation that aims to impact *inter alia* the time efficiency of arbitration is emergency arbitration. An emergency arbitrator gives a possibility

61 See https://sccarbitrationinstitute.se/en/statistics-2024/, 13.3.2025.
62 See https://sccarbitrationinstitute.se/en/statistics-2023, 16.1.2025.
63 See https://arbitration.fi/wp-content/uploads/fai-statistics-2023.pdf, 13.3.2025.
64 Petrik, supra n. 28, p. 13.
65 See https://sccarbitrationinstitute.se/en/statistics-2024/, 14.3.2025.
66 See https://sccarbitrationinstitute.se/en/statistics-2023/, 14.3.2025.
67 See https://arbitration.fi/wp-content/uploads/fai-statistics-2024-1.pdf, p. 3, 19.5.2025.
68 See https://arbitration.fi/en/resources/statistics/, 14.3.2025.

for a party to obtain interim measures in an arbitration before the arbitral tribunal is established.

The SCC introduced the rules for emergency arbitration in 2010, the same year as the Singapore International Arbitration Centre (SIAC) – four years after the ICDR added emergency arbitrator relief to the ICDR Rules.[69] ICC followed suit in 2012 with the Appendix V Emergency Arbitrator Rules and FAI in 2013 with Appendix III Emergency Arbitrator Rules.

The SCC Emergency Arbitrator Rules provide for extremely short deadlines. The emergency arbitrator is appointed by the SCC Board within twenty-four hours of receiving an application for an emergency arbitrator. The decision on interim measures is to be rendered within five days from when the emergency arbitrator received the application.[70]

According to the FAI Emergency Arbitrator Rules the proceeding is still very time-efficient, but the deadlines are longer. The institute aims at appointing an emergency arbitrator within two days from receiving the application. The emergency arbitrator is to decide on the interim measure within fifteen days from receiving the case file from the institute.[71]

Emergency arbitrator rules from outside the Nordics provide similar deadlines as the FAI Emergency Arbitrator Rules, see e.g., the ICC Emergency Arbitrator Rules and the newest SIAC Emergency Arbitrator Procedure contained in Schedule 1 to the 2025 SIAC Arbitration Rules.

7. Summary procedure

Another innovation in the Nordics that aimed at efficiency of the proceeding was the introduction of summary procedure into the SCC Arbitration Rules in 2017.[72]

Under summary procedure, the tribunal has the power to decide on party's request an issue in a procedure where some procedural steps can be omitted in the name of efficiency.[73] A party can, for instance, request that an allegation which is manifestly unsustainable, or one with respect to which

[69] It needs to be mentioned that the ICC introduced a pre-arbitral referee procedure for interim relief already in 1990. The procedure did not gain a lot of practical importance.

[70] Appendix II to the 2023 SCC Arbitration Rules.

[71] Appendix III to the 2024 FAI Arbitration Rules.

[72] Article 39 of the 2017 SCC Arbitration Rules.

[73] Jakob Ragnwaldh, Fredrik Andersson, Celeste E. Salinas Quero, *Chapter 2: General Rules*, Jakob Ragnwaldh, Fredrik Andersson, et al. (eds), A Guide to the SCC Arbitration Rules, Kluwer Law International, 2019, p. 6.

an award could not be rendered, be decided in summary procedure. If the request is granted, the Arbitral Tribunal should make an order or an award on the issue in an efficient way after giving the parties an opportunity to present their cases.

Internationally, the SIAC provided for a similar procedure called early dismissal of claims and defenses already in 2016. According to the 2016 SIAC Arbitration Rules a party can request the tribunal to dismiss a claim or defense which manifestly lacks merit or is manifestly outside of the tribunal's jurisdiction. The current, 2025 SIAC Rules contain the same procedure. Similar powers of the tribunal can be currently found in rules of such institutes as LCIA[74] and HKIAC.[75]

8. Practical developments

So far, the article focused predominantly on important developments in institutional arbitration rules that impact time efficiency of arbitration. However, one should not forget about technological advancements and practical tools that further efficiency.

Certainly, the digitalization, the ability to submit documents online, hold a hearing remotely, and similar developments had a positive impact on the time efficiency of arbitrations around the world.

The SCC arbitrations between 2015–2022 have increased in time efficiency compared to 2007–2014 and the reason, as provided in the SCC Report, is due in part to the introduction in 2013 an internal digital administration system and in 2019 the SCC Platform – the online case management system.[76]

Other institutes are becoming more and more digitalized with at least an internal online administration system. More development in this area can be foreseen in the nearest future.

9. Conclusion

Disputes have become highly complex, participants more sophisticated and consequently arbitration procedure has been at risk of becoming very cum-

[74] Article 22.1.(viii) of the 2020 LCIA Arbitration Rules provides the tribunal with the right of early determination.

[75] Article 43 of the 2024 HKIAC Arbitration Rules.

[76] SCC Report on Costs, supra n. 29, p. 22.

bersome and time consuming. The Nordics, with the Swedish and Finnish arbitration acts and the SCC and FAI arbitral institutions focus on expeditiousness and lead the way in preserving time efficiency of arbitration. A number of innovations that helped further expeditiousness of arbitration have been introduced in the Nordics.

The question that one could ask now is what will the future bring? Will it be a development following the SCC Express, i.e., offering expert determination as an alternative or addition to arbitration, or will we see more developments connected to technological innovations and AI. Maybe the participants will go back to basics and shape the procedure in a more efficient manner, with shorter submissions or perhaps there will be more cases where efficiency will be less and less important.

There is likely no simple answer to this question and we will witness developments into different directions which reflect the complexities of the reality of business and legal practice. The one aspect one can count on is that arbitration in the Nordics will continue to address the needs of the users while taking a practical and efficient approach.