



DISCOURSE

EXPEDITED PROCEDURE: GO OR NO-GO?

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ARBITRATION - MEDIATION SYMPOSIUM 2025

Section 1

INTRODUCTION OF EXPEDITED PROCEDURE



1. INTRODUCTION OF EXPEDITED PROCEDURE

The simplest understanding:

*“Expedited arbitration is a **streamlined** and **simplified** procedure with a **shortened time frame**, which makes it possible for the parties to reach a final resolution of the dispute in a **cost- and time-effective manner**.”*

Recitals of Explanatory Note to UNCITRAL Expedited Arbitration Rules





KEY FEATURES

- **“Simple” disputes:** Low thresholds of value
- **Number of arbitrator:** One (1)
- **Shorten and Controllable Timelines:** 6 months as usual
- **Flexible format:** Documents-only or Virtual hearing



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Section 2

EXPEDITED PROCEDURE IN INTERNATIONAL ARBITRATION



2025 SIAC Arbitration Rules

Requirements

- **Streamlined Procedure (Rule 13)**
 - By consent of the parties; or
 - Value in dispute under SGD 1mil (~ USD 750k)
- **Expedited Procedure (Rule 14)**
 - By consent of the parties; or
 - Value in dispute from SGD 1mil (~ USD 750k) to SGD 10mil (~ USD 7.5mil); or
 - Value in dispute under SGD 1mil but the SIAC President did not apply Streamlined Procedure

➤ Streamlined Procedure (Schedule 2)

- Sole Arbitrator
- Documents-only arbitration (no hearing, no document production, no expert evidence)
- Award issuance within 3 months
- Have limitation for Tribunal's and SIAC's fees

➤ Expedited Procedure (Schedule 3)

- Sole Arbitrator unless President determines otherwise
- Documents-only arbitration (no hearing, no document production or document production with restrictions)
- Award issuance within 6 months
- No restriction on Tribunal's and SIAC's fees

2024 HKIAC Administered Arbitration Rules

- **Expedited Procedure (Rule 42)**
 - By consent of the parties; or
 - Value in dispute under HKD 25mil (~ USD 3.2mil); or
 - Exceptional urgency
- **Procedural issues (Rule 42)**
 - Sole arbitrator, unless arbitration agreement states otherwise
 - Documents-only arbitration
 - Award issuance within 6 months



2021 ICC Arbitration Rules

- **Expedited Procedure (Rule 30)**
 - By consent of the parties; or
 - Value in dispute: depends on date of arbitration agreement
 - ✓ 1 Mar 2017 – 1 Jan 2021: under USD 2mil
 - ✓ After 1 Mar 2021: under USD 3mil
- **Procedural issues (Appendix 6)**
 - Sole arbitrator
 - No Terms of Reference
 - Documents-only arbitration
 - Award issuance within 6 months





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ARBITRATION - MEDIATION SYMPOSIUM 2025

Section 3

Expedited Procedure in Vietnam



2010 Law on Commercial Arbitration (LCA)

No default rule on EP

Article 54.1:

“Unless otherwise agreed by the parties or provided by the arbitration center's rules of proceedings, the arbitral tribunal shall decide on the timeframe and venue for holding dispute resolution hearing.”

→ What if one party intentionally delays an EP?

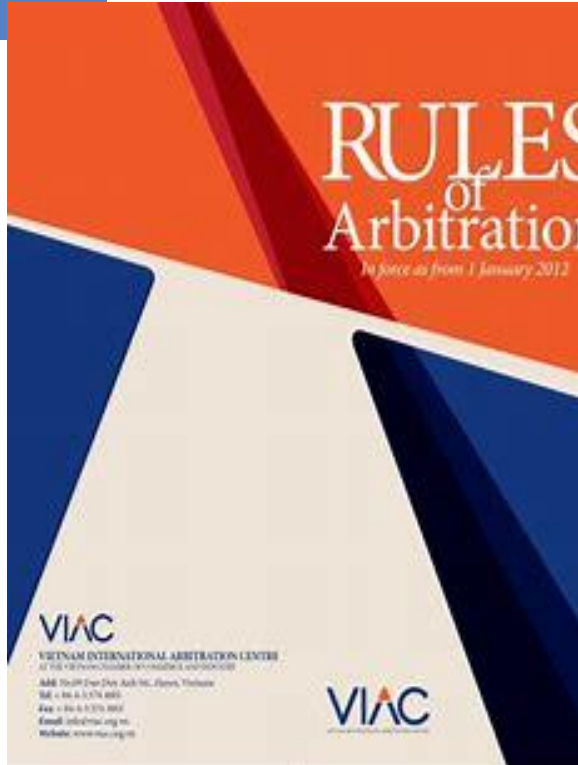
Subject to parties' autonomy

Article 4.1:

“Arbitrators must respect the parties agreement if such agreement neither breaches prohibitions nor contravenes social ethics.”

→ In practice, the parties often are not aware of the need to stipulate an EP in the arbitration clause/agreement.

2017 VIAC Arbitration Rules



- **Expedited Procedure (Rule 37)**
 - By consent of the parties
- **Procedural issues**
 - Sole arbitrator, unless parties agreed otherwise
 - Similar to HKIAC Arbitration Rules
 - VIAC or Tribunal may shorten any time limits
 - Too general
 - Tribunal can organize virtual hearing, unless a party objects
 - Documents-only arbitration is not available

Vietnam Traders Arbitration Centre (VTA)

- **Expedited Procedure (Rule 37)**
 - By consent of the parties
- **Procedural issues**
 - Sole arbitrator, unless parties agreed otherwise
 - The Centre or Tribunal may shorten any time limits
 - Virtual hearing, unless a party objects

→ Similar to VIAC Arbitration Rules

HCMC Commercial Arbitration Centre (TRACENT)

- **Expedited Procedure (Rule 39)**
 - By consent of the parties
- **Procedural issues**
 - Sole arbitrator
 - The Centre or Tribunal may shorten any time limits
 - Virtual hearing, unless a party objects
 - When the parties agree to resolve their dispute through the EP, **the EP shall apply even if the arbitration agreement contains otherwise**



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ARBITRATION - MEDIATION SYMPOSIUM 2025

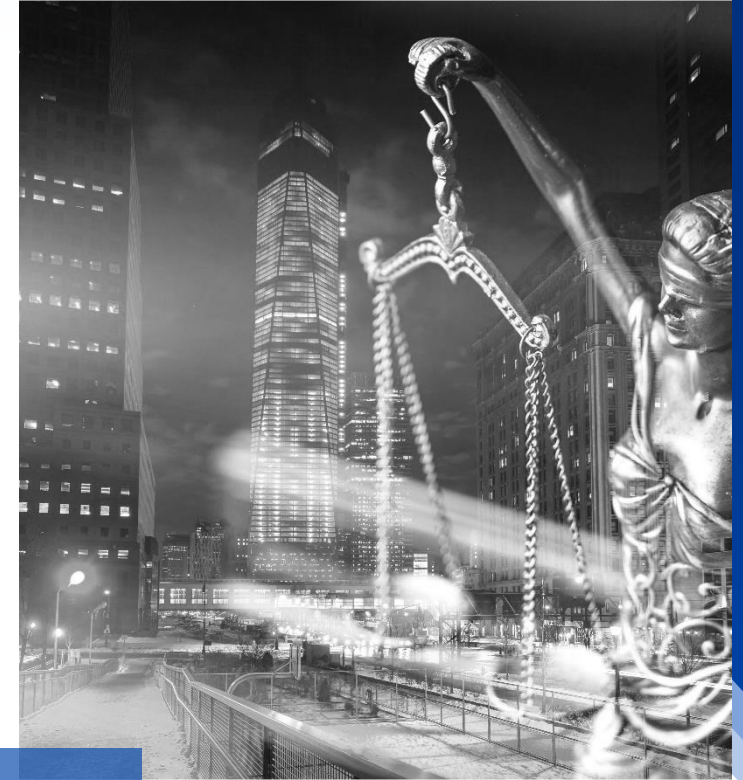
Section 4

RECOMMENDATIONS



FOR ARBITRATION INSTITUTIONS IN VIETNAM

- Revise the conditions: parties' consent OR thresholds of value in dispute
- Revise the procedural rules
 - Sole arbitrator should be the default rule
 - Documents-only arbitration or virtual hearing should be the default rules
 - Award issuance within 6 months



Adapt UNCITRAL Model Law into LCA

Article 19: Determination of rules of procedure

(1) Subject to the provisions of this Law, the parties are free to agree on the procedure to be followed by the arbitral tribunal in conducting the proceedings.

(2) Failing such agreement, the arbitral tribunal may, subject to the provisions of this Law, conduct the arbitration in such manner as it considers appropriate. The power conferred upon the arbitral tribunal includes the power to determine the admissibility, relevance, materiality and weight of any evidence.





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