



EMERGENCY ARBITRATION · SPEED COMPARISON

The Race to the Emergency Arbitrator

When urgent interim relief is needed, every hour counts. Here is how fast each institution moves from application to binding order.

DIAC 2022	ICC 2021	ARBITRATEAD 2024
APPOINTMENT	APPOINTMENT	APPOINTMENT
1 day From receipt of application	2 days From receipt of application	1 day From receipt of application
ORDER DEADLINE	ORDER DEADLINE	ORDER DEADLINE
14 days From file transmission	15 days From file transmission	10 days From appointment
FILING FEE	FILING FEE	PRE-COMMENCEMENT
Not published	US\$ 40k	Yes ✓ Before filing Request for Arbitration
Ex parte available	Pre-commencement available	Fastest order deadline

Note: The emergency arbitrator has the same powers as the constituted tribunal, including authority to decide jurisdictional issues and order any interim measures deemed appropriate.

Sources: DIAC Arbitration Rules 2022 · ICC Arbitration Rules 2021 · arbitrateAD Arbitration Rules 2024

EMERGENCY ARBITRATION · STRATEGIC CHOICE

02

Emergency Arbitration vs Court Injunction

Both routes can deliver urgent interim relief. The right choice depends on what you need and where your contract sits.

EMERGENCY ARBITRATION

SPEED TO ORDER

10–15 days (institutional rules)

CONFIDENTIALITY

Fully private proceedings

JURISDICTION

Follows arbitration clause – no court involvement needed

ENFORCEABILITY

Order binding on signatory parties; court enforcement may be needed against third parties

BEST FOR

Parties to an arbitration agreement seeking to preserve the status quo pending tribunal constitution

COST

Institution fee + legal costs (ICC: US\$40k filing fee)

COURT INJUNCTION

SPEED TO ORDER

Days to weeks (varies by court and urgency)

CONFIDENTIALITY

Public proceedings unless court orders otherwise

JURISDICTION

Requires court's territorial jurisdiction – may conflict with arbitration clause

ENFORCEABILITY

Directly enforceable against any party within court's jurisdiction, including third parties

BEST FOR

Third-party asset freezes; situations without an arbitration clause; ADGM/DIFC worldwide injunctions

COST

Court fees + legal costs; generally lower filing fees

S A

ADGM advantage: In *A30 and others v E30 and others* [2025] ADGMCA 0003, the ADGM Court of Appeal confirmed it can grant worldwide freezing orders in support of ADGM-seated arbitration – giving parties the enforcement power of the court combined with the confidentiality of arbitration.



EMERGENCY ARBITRATION · REFERENCE CARD

Four-Institution Comparison

DIAC, ICC, arbitrateAD, and ADGM Courts — the key variables at a glance.

FEATURE	DIAC 2022	ICC 2021	ARBITRATEAD 2024	ADGM COURTS
APPOINTMENT SPEED	1 day	2 days	1 day	Ex parte available same day
ORDER DEADLINE	14 days from file	15 days from file	10 days from appointment	Court discretion (hours if urgent)
FILING FEE	Not published	US\$40,000	Not published	Court filing fee
PRE-COMMENCEMENT APPLICATION	No	Yes	Yes ✓	Yes (inherent)
EX PARTE AVAILABLE	Yes (reasonable belief test)	Yes	Yes	Yes
SCOPE OF POWERS	Same as constituted tribunal	Interim/conservatory measures	Same as constituted tribunal incl. jurisdictional issues	Worldwide freezing orders; injunctions
DEFAULT SEAT	DIFC (Art. 20)	Paris / parties' choice	Abu Dhabi	ADGM

Sources: DIAC Rules 2022 · ICC Rules 2021 · arbitrateAD Rules 2024 · ADGM Arbitration Regulations 2015 (as amended)

EMERGENCY ARBITRATION · PROCESS GUIDE

04

How to File an Emergency Application

The procedural pathway from crisis to binding order – applicable across DIAC, ICC, and arbitrateAD (timelines are DIAC/arbitrateAD unless noted).

1

Identify urgency and draft the application

Define the relief sought, demonstrate urgency, and identify the legal basis. Confirm the arbitration agreement covers the dispute. For pre-commencement applications (arbitrateAD / ICC), no pending arbitration is required at this stage.

2

File with the institution and pay the fee

Submit the application to the institution's case management office. Pay the applicable fee. At DIAC and arbitrateAD, the institution assesses whether the request is prima facie admissible.

Day 0

3

Emergency arbitrator appointed

The institution appoints an emergency arbitrator – within 1 day at DIAC and arbitrateAD; within 2 days at ICC. Appointment is made without waiting for the respondent where urgency demands it.

Day 1-2

4

File transmitted; timetable set

The file is transmitted to the emergency arbitrator. They set a timetable – including any opportunity for the respondent to be heard – within 2 business days (ICC) or promptly (DIAC/arbitrateAD). Ex parte orders are available where notice would defeat the purpose.

Day 2-4

5

Emergency order issued

The emergency arbitrator issues a binding order or award. The order is immediately effective on the parties. At arbitrateAD the order must issue within 10 days of appointment; at ICC within 15 days of file transmission; at DIAC within 14 days.

Day 10-15

6

Enforcement if required

Where voluntary compliance is not forthcoming, the order may be enforced through the DIFC or ADGM Courts (for UAE-seated arbitrations) or through applicable courts in the relevant jurisdiction. The main arbitration must then proceed – at DIAC within 30 days; arbitrateAD requires filing the Request for Arbitration within 30 days of an emergency order.

EMERGENCY ARBITRATION · UAE ADVANTAGE

Five Reasons the UAE Is a Safe Arbitral Seat

Seat selection determines enforcement risk, judicial supervision, and interim relief options. Here is what the UAE offers in each dimension.



01

New York Convention

UAE acceded in 2006. Awards seated in the UAE are enforceable in 170+ signatory states without re-litigating the merits.



02

DIFC Pro-Arbitration Courts

DIFC Courts apply a consistent, English common law pro-arbitration standard. Challenge track record is among the lowest globally. In 2024, a USD 1.6bn ICC award was upheld on annulment.



03

2025 Enforcement Reforms

Federal Decision No. 1/2025 resolved conflicting interpretations on award validity, eliminating technical challenges based on signature formalities that previously created uncertainty.



04

ADGM Worldwide Freezing Orders

Confirmed in *A30 v E30* [2025] ADGMCA 0003 – ADGM Court can grant worldwide freezing orders in support of ADGM-seated arbitration, even where institutional rules would otherwise restrict court intervention.



05

Multiple Institutional Options

DIAC (Dubai), arbitrateAD (Abu Dhabi), DIFC-LCIA, and ICC all offer UAE-seated arbitration with different procedural rules – allowing parties to choose the framework that best fits their dispute.

EMERGENCY ARBITRATION · LANDMARK CASE

The Case That Changed ADGM Interim Relief

A single 2025 judgment clarified the relationship between institutional arbitration rules and the ADGM Court's mandatory powers.

A30 and others v E30 and others
[2025] ADGMCA 0003

ADGM COURT OF APPEAL · SEPTEMBER 2025 · ADGM-SEATED ARBITRATION UNDER LCIA RULES

THE PROBLEM

The LCIA Rules required the parties to obtain tribunal permission before approaching the courts for interim measures. The tribunal had not yet been constituted. The applicant needed a worldwide freezing order – urgently.

THE QUESTION

Can the ADGM Court grant a worldwide freezing order in support of an ADGM-seated arbitration, **despite institutional rules that would otherwise prevent court intervention?**

THE HOLDING

Yes. The mandatory provisions of the ADGM Arbitration Regulations 2015 override institutional arbitration rules where those rules would otherwise prevent the Court from granting interim measures. The Court granted the worldwide freezing order.

WHY IT MATTERS

Parties choosing ADGM as a seat can access the full range of the Court's interim relief powers – including worldwide freezing orders – regardless of whether their institutional rules nominally restrict court intervention. The seat's mandatory powers cannot be contracted away.

EMERGENCY ARBITRATION · POWERS & SCOPE

What Can an Emergency Arbitrator Actually Order?

Emergency arbitrators have broad powers — often misunderstood. Here is the full scope of what they can and cannot do.



Asset Freeze

Order a party not to dissipate, transfer, or encumber specific assets pending the outcome of the main arbitration.



Anti-Suit Injunction

Restrain a party from commencing or continuing proceedings in another forum in breach of the arbitration agreement.



Status Quo Order

Preserve the existing state of affairs — preventing a party from taking an irreversible step before the tribunal is constituted.



Evidence Preservation

Order the preservation, custody, or inspection of documents or physical evidence that may be destroyed or altered.



Payment into Escrow

Order a party to pay a disputed sum into escrow or to a neutral account pending the outcome of the arbitration.



Performance Order

Require a party to perform — or refrain from performing — a specific contractual obligation on an interim basis.



Jurisdictional Rulings

Under *arbitrateAD 2024* rules specifically, the emergency arbitrator has authority to decide jurisdictional issues at the interim stage.



What They Cannot Do

Bind non-signatory third parties · Issue final awards on the merits · Override mandatory court powers where applicable law requires court involvement.

Threshold for granting relief: The applicant must demonstrate urgency — that the relief cannot await the constitution of a full arbitral tribunal — and that a prima facie case exists on the merits. Most institutions also require that the applicant give an undertaking in damages.

