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Legal Updates

Vietnam International Arbitration Centre (VIAC) adopts new Arbitration Rules: Key Changes Under the 2026 Rules

Vietnam International Arbitration Centre (VIAC) adopts new Arbitration Rules



Effective from **1 July 2026**, the Vietnam International Arbitration Centre (“**VIAC**”) has adopted a new set of Arbitration Rules (the “**2026 Rules**”), replacing the old Arbitration Rules in force since 1 March 2017 (the “**2017 Rules**”). The 2026 Rules introduce several procedural innovations and refine existing mechanisms to improve the efficiency, flexibility and overall administration of arbitral proceedings in Vietnam. Many of these changes also bring VIAC's procedural framework closer to those adopted by leading international arbitral institutions.

Below are some of the most notable developments.



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1. New Procedural Mechanisms

a) Introduction of a Joinder Mechanism

One of the most significant additions under the 2026 Rules is the introduction of a dedicated procedure for the joinder of additional parties to an existing arbitration¹.

Unlike the 2017 Rules, which did not expressly regulate the participation of additional claimants or respondents once arbitration had commenced, Article 18 of the 2026 Rules establishes a comprehensive framework governing joinder requests. The new provision specifies the circumstances in which an additional party may be joined, the procedural requirements for making such request, and the power of VIAC president in deciding whether joinder should be permitted.

This amendment addresses a long-standing gap in the VIAC Rules and aligns VIAC with the practice of major international arbitral institutions, such as the ICC, SIAC and HKIAC, where joinder mechanism has long been recognized as an important case management tool for complex, multi-party disputes.

b) Stronger Case Screening Powers for VIAC

Although the 2017 Rules prescribed the information required in a Request for Arbitration², they did not expressly provide the consequences where a claimant failed to submit a compliant request. In practice, incomplete or deficient submissions often resulted in delays, unnecessary correspondence and increased administrative workload.

Article 7.5 of the 2026 Rules now expressly empowers VIAC to reject a Request for Arbitration where the claimant fails to remedy identified deficiencies within the prescribed time limit. This screening mechanism is expected to reduce procedural delays at the outset of proceedings and improve the efficiency of case administration.

¹Article 18 of the 2026 Rules

²Article 7.2 of the 2017 Rules

³Article 6.2 of the 2026 Rules

⁴Article 17.1 of the 2026 Rules

⁵Article 17.1 of the 2026 Rules

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2. Refinement of Existing Procedures

a) Clearer Rules on Multiple Contracts and Consolidation

The 2026 Rules significantly enhance the framework for disputes involving multiple contracts and the consolidation of separate arbitral proceedings. While both mechanisms existed under the 2017 Rules, their application was challenging because of a lack of detailed guidance.

The 2026 Rules lists out circumstances when claims arising from or in connection with multiple contracts may be brought in a single arbitration from the beginning of the arbitration³.

The 2026 Rules also broaden the circumstances eligible for consolidating separate proceedings, permitting consolidation not only by party agreement but also where the disputes arise under the same arbitration agreement, the same legal relationship(s), or the same transaction or a series of related transactions⁴.

In addition, the 2026 Rules specify the factors that the VIAC President will consider when deciding whether to consolidate proceedings, including the stage of the proceedings, the composition of the arbitral tribunals, and procedural efficiency⁵. These amendments provide greater certainty and flexibility for resolving disputes arising from complex commercial projects involving multiple contracts.

b) Tribunal-Appointed Experts

The 2026 Rules also expand the arbitral tribunal's authority regarding expert evidence.

Under the 2017 Rules, tribunals could seek expert advice by exercising “*the power to request the parties to provide experts*”⁶. The 2026 Rules expands this power, expressly empowering tribunals to appoint independent experts on their own initiative, determine the terms of their appointment, and specify the issues on which expert opinions are required⁷.

This amendment brings the VIAC Rules closer to the practice of many well-established international arbitration centers, where tribunal-appointed experts are commonly recognized⁸.

Nevertheless, the practical effectiveness of this mechanism remains to be seen. Since the tribunal-appointed expert's fees ultimately depend on the parties' funding, a party's refusal to bear the required costs may limit the tribunal's ability to make effective use of this new power.

c) Expedited Procedure

The 2026 Rules clarify and broaden the availability of the expedited procedure. Under the 2017 Rules, expedited proceedings could only be commenced with the agreement of all parties. The 2026 Rules retain this option while additionally allowing the expedited procedure where other prescribed criteria are satisfied, including the amount in dispute and the nature of the case⁹.

The 2026 Rules also resolve a procedural uncertainty under the 2017 Rules by expressly providing that a request for expedited proceedings must be made before the arbitral tribunal is constituted¹⁰. Where the expedited procedure is granted, the tribunal is required to render its final award within two (2) months from the date on which the parties are notified of the tribunal's constitution¹¹. These amendments provide greater procedural certainty while reinforcing the key advantage of expedited proceedings - faster resolution of disputes.

⁶Article 19.4 of the 2017 Rules

⁷Article 27.1 of the 2026 Rules

⁸Article 41 of SIAC Rules 2025

⁹Article 24.3 of the 2026 Rules

¹⁰Article 24.3 of the 2026 Rules

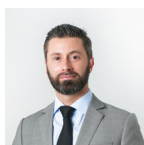
¹¹Article 5 of Appendix II of the 2026 Rules

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Conclusion

The 2026 Rules mark a significant development in institutional arbitration in Vietnam. By introducing joinder, refining procedures for multi-contract and multi-proceeding disputes, expanding tribunals' powers to appoint experts, strengthening VIAC's administrative powers, and enhancing the expedited procedure, the new Rules provide greater procedural flexibility and efficiency. These reforms align VIAC more closely with international best practices and strengthen its position among regional arbitral institutions.

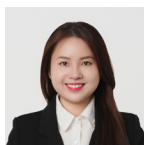
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Alternative Dispute Resolution Team

Our dedicated team has comprehensive expertise in **Alternative Dispute Resolution** mechanisms available in construction infrastructure projects, with extensive experience in **Dispute Board** (FIDIC DAB/DAAB) and in **international arbitration disputes** (SIAC, VIAC, ICC, JCAA, UNCITRAL) on a wide range of industries (railways, water, oil and gas).

Our qualified lawyers are well-equipped to **assist any stakeholders** (employers, engineers, contractors) at every stage of the process of a dispute resolution in construction projects.

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