



SIAAJ/22-923-29 du 28/03/2022

## **ENTREE EN VIGUEUR DE LA PARTIE LEGISLATIVE DU CODE GENERAL DE LA FONCTION PUBLIQUE**

Références : Ordonnance n°2021-1574 du 24 novembre 2021 portant partie législative du Code général de la fonction publique

Destinataires : Mesdames et Messieurs les chefs de divisions et de service académiques, Mesdames et Messieurs les chefs d'établissement et leurs adjoints-gestionnaires

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Le 1<sup>er</sup> mars dernier, est entrée en vigueur **la partie législative du code général de la fonction publique** issue de l'ordonnance n°2021-1574 du 24 novembre 2021.

Le choix ayant été fait d'une codification à droit constant, le code réunit dans un seul et même corpus juridique, les quatre lois dites « statutaires » : la loi n° 83-643 du 13 juillet 1983 portant droits et obligations des fonctionnaires, la loi n° 84-16 du 11 janvier 1984, la loi n° 84-53 du 26 janvier 1984 et la loi n° 86-33 du 9 janvier 1986. Il rassemble également de nombreuses dispositions concernant la fonction publique qui étaient réparties au sein d'autres lois, modernise et harmonise leur rédaction.

Composé de huit livres, ce code a été bâti sur un plan thématique, même si les spécificités de chaque versant de la fonction publique ont dû être prises en compte. Il convient de noter que le livre Ier reprend essentiellement des dispositions de la loi du 13 juillet 1983, la transversalité du statut général étant ainsi réaffirmée. Le code est toutefois destiné à régir tant les fonctionnaires que les agents contractuels, sous réserve que les principes et normes énoncés leur soient applicables, dans la lignée des évolutions récentes issues de la loi de transformation de la fonction publique.

**L'entrée en vigueur du code le 1er mars dernier ayant abrogé les quatre lois statutaires précitées, il convient donc de prendre en compte dès maintenant cette réforme, notamment en visant désormais les articles du code dans les décisions ou contrats administratifs. Pour vous faciliter la tâche, vous trouverez en annexe les tables de concordance établies par la DGAFP.**

J'attire votre attention sur deux points :

- La partie réglementaire du code n'a pas encore été publiée, ce qui devrait intervenir en 2023 ; pour l'heure donc, les références textuelles aux décrets restent inchangées.
- Le dispositif d'entrée en vigueur est assez complexe puisque certaines dispositions, telles que celles relatives aux instances de dialogue social n'interviendront qu'après leur prochain renouvellement, soit postérieurement au 1<sup>er</sup> janvier 2023. En outre, d'autres dispositions ne seront abrogées qu'après l'entrée en vigueur de la partie réglementaire ;

La DGAFP a organisé un colloque à ce propos qui peut être visionné à cette adresse : <https://www.fonction-publique.gouv.fr/colloque-28-fevrier-2022-consacre-au-code-general-de-la-fonction-publique>

Le service juridique est à votre disposition pour vous accompagner dans la modification des références de vos décisions.

*Signataire : Pour le Recteur et par délégation, Bruno MARTIN, Secrétaire Général de l'Académie d'Aix-Marseille*

## CODE GENERAL DE LA FONCTION PUBLIQUE

### Partie législative

#### Table de concordance (ancienne/nouvelle)

Loi n° 83-634 du 13 juillet 1983 portant droits et obligations des fonctionnaires	art. 1	L. 1
	art. 2, ecqc fonctionnaires des assemblées parlementaires et les magistrats de l'ordre judiciaire	L. 6
	art. 2, sauf exclusions	L. 2
	art. 3, ecqc fonctionnaires des assemblées parlementaires, les magistrats de l'ordre judiciaire et les militaires	L. 6
	art. 3, sauf exception	L. 311-1
	art. 4	L. 1
	art. 5	L. 321-1
	art. 5 bis, al. 1, al. 7 à 9	L. 321-2
	art. 5 bis, al. 2 à 6	L. 321-3
	art. 5 ter, al. 1	L. 324-4
	art. 5 ter, al. 2	L. 522-5
	art. 5 quater	L. 513-16
	art. 6, al. 01	L. 111-1
	art. 6, al. 02	L. 131-1
	art. 6, al. 03	L. 131-7
	art. 6, al. 04, ecqc déroulement de carrière	L. 131-6
	art. 6, al. 04, ecqc emplois de catégorie active	L. 131-5
	art. 6, al. 05 à 09	L. 131-12
	art. 6 bis, al. 01	L. 131-2
	art. 6 bis, al. 02	L. 131-3
	art. 6 bis, al. 03	L. 131-4
	art. 6 bis, al. 04, ecqc commissions administratives paritaires	L. 262-3
art. 6 bis, al. 04, ecqc comités sociaux	L. 252-2	
art. 6 bis, al. 05 à 09	L. 131-12	

	art. 6 bis, al. 10	L. 132-11
	art. 6 bis, al 04, ecqc jurys et comités	L. 325-18
	art. 6 ter A, al. 1	L. 135-1
	art. 6 ter A, al. 2 et 3	L. 135-2
	art. 6 ter A, al. 4	L. 135-3
	art. 6 ter A, al. 5	L. 135-4
	art. 6 ter A, al. 6	L. 135-5
	art. 6 ter, al. 1 à 3	L. 133-1
	art. 6 ter, al. 4 à 8	L. 133-3
	art. 6 quater A, al. 1 et 2	L. 135-6
	art. 6 quater A, al. 3	abrogé
	art. 6 quater, al. 1	L. 132-5
	art. 6 quater, al. 2	L. 132-6
	art. 6 quater, al. 3 à 5	L. 132-7
	art. 6 quater, al. 6 à 7	L. 132-8
	art. 6 quater, al. 8	L. 132-9
	art. 6 quater, al. 9	abrogé
	art. 6 quinquies, al. 1	L. 133-2
	art. 6 quinquies, al. 2 à 6	L. 133-3
	art. 6 sexies, al. 1 et 2	L. 131-8
	art. 6 sexies, al. 3 à 5	L. 131-9
	art. 6 sexies, al. 6	L. 131-10
	art. 6 sexies, al.7	L. 131-11
	art. 6 sexies, al. 8	abrogé
	art. 6 septies, al. 01	L. 132-1
	art. 6 septies, al. 02 à 07	L. 132-2
	art. 6 septies, al. 08 ecqc fonction publique de l'Etat	L. 253-1
	art. 6 septies, al. 08 ecqc fonction publique hospitalière	L. 253-7
	art. 6 septies, al. 08, ecqc établissements sociaux et médico-sociaux	L. 253-9
	art. 6 septies, al. 08, ecqc fonction publique territoriale	L. 253-5
	art. 6 septies, al. 08, ecqc groupements de coopération sanitaire	L. 253-8
	art. 6 septies, al. 09	L. 132-3

art. 6 septies, al. 10	L. 132-4
art. 6 septies, al. 11	abrogé
art. 7	L. 111-2
art. 7 bis	L. 131-13
art. 8, ph. 1 et 2	L. 113-1
art. 8, ph. 3 et 4	L. 113-2
art. 8 bis, al. 01	L. 221-1
art. 8 bis, al. 02	L. 221-2
art. 8 bis, al. 03 et 04	L. 222-2
art. 8 bis, al. 05 à 08	L. 221-3
art. 8 bis, al. 09	L. 221-4
art. 8 bis, al. 10 et 11	L. 222-1
art. 8 ter, al. 01 à 15	L. 222-3
art. 8 ter, al. 16	L. 222-4
art. 8 quater, al. 1	L. 223-1
art. 8 quater, al. 2 à 4	L. 224-1
art. 8 quater, al. 5	L. 224-4
art. 8 quater, al. 6 et 7	L. 224-2
art. 8 quater, al. 8	L. 224-3
art. 8 quater, al. 9	L. 226-2
art. 8 quinquies	L. 225-1
art. 8 sexies	L. 222-1
art. 8 septies	L. 222-5
art. 8 octies, al. 1 à 3	L. 226-1
art. 8 octies, al. 4	L. 227-1
art. 8 octies, al. 5	L. 227-2
art. 8 octies, al. 6	L. 227-3
art. 8 octies, al. 7	L. 227-4
art. 8 nonies	abrogé
art. 9, al. 1	L. 112-1
art. 9, al. 2	L. 731-2
art. 9, al. 3	L. 731-1
art. 9, al. 4 et 5	L. 731-3
art. 9, al. 6, al. 7	L. 733-1
art. 9 bis A, al. 01	L. 231-1
art. 9 bis A, al. 02 à 16	non repris
art. 9 bis A, al. 17, ph. 1	L. 231-2
art. 9 bis A, al. 17, ph. 2 à 4	non repris
art. 9 bis A, al. 18	L. 232-1

art. 9 bis A, al. 19	L. 231-4
art. 9 bis A, al. 20	abrogé
art. 9 bis B	L. 231-3
art. 9 bis, al. 1 à 4	L. 211-1
art. 9 bis, al. 5	L. 211-2
art. 9 bis, al. 6	L. 211-3
art. 9 bis, al. 7	non repris
art. 9 bis, al. 8 et 9	L. 211-4
art. 9 ter, al. 01, 02, 03 et 04	L. 242-1
art. 9 ter, al. 05 à 12	L. 242-2
art. 9 ter, al. 13	L. 242-3
art. 9 ter, al. 14	abrogé
art. 10	L. 114-1
art. 11, al. 01	L. 134-1
art. 11, al. 02	L. 134-2
art. 11, al. 03	L. 134-3
art. 11, al. 04	L. 134-4
art. 11, al. 05	L. 134-5
art. 11, al. 06	L. 134-6
art. 11, al. 07 et 08	L. 134-7
art. 11, al. 09	L. 134-8
art. 11, al. 10	L. 134-12
art. 11 bis A	L. 125-1
art. 11 bis, ecqc métropole	L. 111-4
art. 11 bis, ecqc Outre-mer Chapitre I	L. 141-2
art. 11 bis, ecqc Outre-mer chapitre II	L. 142-2
art. 12, al. 1 et 2	L. 411-5
art. 12, al. 3	L. 411-8
art. 12, al. 4	L. 541-1
art. 12 bis, al. 1 à 5	L. 511-1
art. 12 bis, al. 6	L. 511-2
art. 13, al. 1, ph. 1, ph. 2, fin	L. 411-2
art. 13, al. 1, ph. 2, début	L. 411-1
art. 13, al. 1, ph. 3	L. 411-3
art. 13, al. 2	L. 411-7
art. 13, al. 3	L. 411-4

art. 13 bis, al. 1, ecqc détachement	L. 513-7
art. 13 bis, al. 2, 4 et 5, ecqc intégration directe	L. 511-6
art. 13 bis, al. 2 à 5	L. 513-8
art. 13 bis, al. 6	L. 513-12
art. 13 bis, al. 1, ecqc intégration directe	L. 511-5
art. 13 ter, al. 1 à 5	L. 513-14
art. 13 ter, al. 6	L. 513-15
art. 13 ter, al. 7, ecqc détachement	non repris
art. 13 ter, al. 7, ecqc intégration directe	non repris
art. 13 ter, al. 8	non repris
art. 13 quater	L. 513-13
art. 13 quater, ecqc intégration directe	L. 511-8
art. 13 quater, ecqc militaires	L. 513-14
art. 14, al. 1, 2 et 4	L. 511-4
art. 14, al. 3	L. 513-9
art. 14, al. 5	L. 621-4
art. 14 bis	L. 511-3
art. 14 ter, al. 1	L. 445-1
art. 14 ter, al. 2 et 3	L. 445-2
art. 14 ter, al. 4	L. 554-1
art. 15, al. 01	L. 441-1
art. 15, al. 02	L. 441-2
art. 15, al. 03	L. 441-3
art. 15, al. 04	L. 441-4
art. 15, al. 05 et 6	L. 441-5
art. 15, al. 07	L. 441-6
art. 15, al. 08	L. 441-7
art. 15, al. 09	L. 441-8
art. 15, al. 10	L. 441-9
art. 15, al. 11	abrogé
art. 16	L. 320-1
art. 16 bis	L. 325-21
art. 16 ter	L. 325-17
art. 16 quater	L. 325-18

art. 17	L. 521-1
art. 18, al. 1	L. 137-1
art. 18, al. 2	L. 137-2
art. 18, al. 3	L. 137-4
art. 18, al. 4	L. 137-3
art. 19, al. 1	L. 532-1
art. 19, al. 2	L. 532-2
art. 19, al. 3, ph. 3, al. 4	L. 532-5
art. 19, al. 3, ph. 1 et ph 2	L. 532-4
art. 20, al. 1 ph. 1 et 3	L. 712-1
art. 20, al. 1 ph. 2	L. 714-1
art. 20, al. 2	L. 712-2
art. 20, al. 3	L. 713-1
art. 20, al. 4	L. 115-2
art. 20, al. 5, ph. 1	L. 712-8
art. 20, al. 5, ph. 2	L. 712-9
art. 20, al. 5, ph. 3	L. 712-10
art. 20, al. 5, ph. 4	L. 712-11
art. 21, al. 01, al. 02	L. 621-1
art. 21, al. 01 et 04	L. 630-1
art. 21, al. 01 et 05 à 07	L. 422-1
art. 21, al. 01 et 08	L. 215-1
art. 21, al. 09	L. 622-1
art. 21, al. 10	L. 622-2
art. 21, al. 11	abrogé
art. 21 bis, al. 01	L. 822-21
art. 21 bis, al. 02, ph. 1	L. 822-22
art. 21 bis, al. 02, ph. 2	L. 822-24
art. 21 bis, al. 02, ph. 3 et 4	L. 822-23
art. 21 bis, al. 03	L. 822-18
art. 21 bis, al. 04	L. 822-19
art. 21 bis, al. 05 à 07	L. 822-20
art. 21 bis, al. 08	L. 822-25
art. 21 bis, al. 09	abrogé
art. 21 bis, al. 10	L. 813-3
art. 21 bis, al. 10, ph. 2	abrogé
art. 21 ter	L. 821-1
art. 22, al. 1	L. 115-4
art. 22, al. 1 et 2	L. 421-1

art. 22, al. 3	L. 421-6
art. 22, al. 4, ph. 1	L. 422-2
art. 22, al. 4, ph. 2	L. 421-8
art. 22, al. 4, ph. 3	L. 421-5
art. 22, al. 5	L. 421-3
art. 22 bis, al. 1 et 2	L. 827-1
art. 22 bis, al. 3	L. 827-2
art. 22 bis, al. 4	L. 827-3
art. 22 bis, al. 5 à 8	abrogé
art. 22 ter, al. 1 à 4	L. 422-4
art. 22 ter, al. 5	L. 422-5
art. 22 ter, al. 6	L. 422-6
art. 22 ter, al. 7	L. 422-7
art. 22 ter, al. 8	abrogé
art. 22 quater, al. 01	L. 422-8
art. 22 quater, al. 02 et 03	L. 422-9
art. 22 quater, al. 04	L. 422-10
art. 22 quater, al. 05	L. 422-11
art. 22 quater, al. 06	L. 422-12
art. 22 quater, al. 07	L. 422-13
art. 22 quater, al. 08 à 10	L. 422-14
art. 22 quater, al. 11	L. 422-15
art. 22 quater, al. 12	L. 422-16
art. 22 quater, al. 13	L. 422-17
art. 22 quater, al. 14	L. 422-18
art. 22 quater, al. 15	abrogé
art. 22 quinquies, al. 1 à 5	L. 422-3
art. 22 quinquies, al. 6	abrogé
art. 23	L. 136-1
art. 23 bis, al. 01	L. 212-1
art. 23 bis, al. 02 et 03	L. 212-2
art. 23 bis, al. 04	L. 212-3
art. 23 bis, al. 05	L. 212-4
art. 23 bis, al. 06	L. 212-5
art. 23 bis, al. 07 et 08	L. 212-6
art. 23 bis, al.09	L. 212-7
art. 23 bis, al. 10	abrogé
art. 24, al. 1 à 6	L. 550-1
art. 24, al. 7	L. 421-7



art. 25, al. 1	L. 121-1
art. 25, al. 2 à 4	L. 121-2
art. 25, al. 5	L. 124-1
art. 25 bis, al. 1	L. 121-4
art. 25 bis, al. 2	L. 121-5
art. 25 bis, al. 3 à 8	L. 122-1
art. 25 ter, al. 1	L. 122-2
art. 25 ter, al. 2	L. 122-3
art. 25 ter, al. 3	L. 122-4
art. 25 ter, al. 4	L. 122-5
art. 25 ter, al. 5 et 6	L. 122-6
art. 25 ter, al. 7, ph. 1	L. 122-7
art. 25 ter, al. 7, ph. 2	L. 122-8
art. 25 ter, al. 8	L. 122-9
art. 25 ter, al. 9	L. 122-24
art. 25 quater	L. 122-19
art. 25 quinquies, al. 01	L. 122-10
art. 25 quinquies, al. 02	L. 122-11
art. 25 quinquies, al. 03	L. 122-12
art. 25 quinquies, al. 04 et 05	L. 122-13
art. 25 quinquies, al. 06, ph. 1	L. 122-14
art. 25 quinquies, al. 06, ph. 2	L. 122-15
art. 25 quinquies, al. 07	L. 122-16
art. 25 quinquies, al. 08 et 09	L. 122-17
art. 25 quinquies, al. 10 à 13	L. 122-18
art. 25 sexies, al. 1 et 2	L. 122-20
art. 25 sexies, al. 3	L. 122-21
art. 25 sexies, al. 4	L. 122-22
art. 25 septies, al. 01, ph. 1	L. 121-3
art. 25 septies, al. 01, ph. 2, al. 02 à 07	L. 123-1
art. 25 septies, al. 08 à 09	L. 123-4
art. 25 septies, al. 10	L. 123-5
art. 25 septies, al. 11	L. 123-6
art. 25 septies, al. 12 à 15, al. 16 sauf DCE	L. 123-8
art. 25 septies, al. 16 ecqc décret en Conseil d'Etat, al. 22	L. 123-10
art. 25 septies, al. 17 et 18	L. 123-7

art. 25 septies, al. 19	L. 123-2
art. 25 septies, al. 20	L. 123-3
art. 25 septies, al. 21	L. 123-9
art. 25 octies, al. 01	L. 124-9
art. 25 octies, al. 02, al. 03 ecqc avis, al. 05 à 07	L. 124-10
art. 25 octies, al. 02, al. 03 ecqc textes	L. 124-22
art. 25 octies, al. 02, al. 03, ecqc recommandations	L. 124-23
art. 25 octies, al. 02, al. 04	L. 124-21
art. 25 octies, al. 08 à 10	L. 124-4
art. 25 octies, al. 11	L. 124-5
art. 25 octies, al. 12 à 16	L. 124-8
art. 25 octies, al. 17	L. 124-7
art. 25 octies, al. 18	L. 124-12
art. 25 octies, al. 19 à 21	L. 124-11
art. 25 octies, al. 22 à 24	L. 124-13
art. 25 octies, al. 25 à 32	L. 124-14
art. 25 octies, al. 33	L. 124-15
art. 25 octies, al. 34 et 35	L. 124-16
art. 25 octies, al. 36	L. 124-17
art. 25 octies, al. 37 à 42	L. 124-20
art. 25 octies, al. 43 et 44	L. 124-18
art. 25 octies, al. 45	L. 124-19
art. 25 octies, al. 46	L. 124-26
art. 25 nonies, al. 1	L. 122-23
art. 25 nonies, al. 2 à 4	L. 124-24
art. 25 nonies, al. 5	L. 122-25
art. 25 decies	L. 124-25
art. 26, al. 1	L. 121-6
art. 26, al. 2	L. 121-7
art. 27	L. 121-8
art. 28, al. 1, ph. 1, al. 2	L. 121-9
art. 28, al. 1, ph. 2	L. 121-10
art. 28 bis, al. 1	L. 124-2
art. 28 bis, al. 2	L. 124-26
art. 28 ter, al. 1 et 2	L. 124-3
art. 28 ter, al. 3	L. 124-26

	art. 29, al. 1	L. 530-1
	art. 29, al. 2	L. 532-6
	art. 30, al. 1 et 2	L. 531-1
	art. 30, al. 3, ph. 1 et 2	L. 531-2
	art. 30, al. 3 ph. 3 et 5 al. 4 ph. 1	L. 531-3
	art. 30, al. 4 ph. 2	non repris
	art. 30, al. 5	L. 531-4
	art. 30, al. 6, ph. 1	L. 531-5
	art. 30, al. 6, ph. 2	abrogé
	art. 32, al. 1	L. 331-1
	art. 32, al. 2 ph. 1 et 3	L. 332-21
	art. 32, al. 2 ph. 2	L. 332-28
	art. 32, al. 4	L. 9
	art. 33, al. 01 à 10	L. 351-1
	art. 33, al. 11	L. 351-2
	art. 33, al. 12	L. 351-3
	art. 34, al. 1 et 2	L. 351-4
	art. 34, al. 3 à 7	L. 351-5
	art. 34, al. 8	L. 351-6
	art. 35, al. 1 à 3	L. 351-7
	art. 35, al. 4 à 8	L. 351-8
	art. 36	L. 351-11
	art. 37, al. 1	L. 351-9
	art. 37, al. 2	L. 351-10
	art. 38, al. 01	L. 351-12
	art. 38, al. 02 à 07	L. 351-13
	art. 38, al. 08 à 10	L. 351-14
	art. 38, al. 11 à 13	L. 351-15
	art. 39	L. 353-1
	art. 40	abrogé
Loi n° 83-663 du 22 juillet 1983 complétant la loi n° 83-8 du 7 janvier 1983 relative à la répartition des compétences entre les communes	art. 60	abrogé
Loi n° 83-1179 du 29 décembre 1983 de finances pour 1984	art. 125, al. 03 à 06	L. 828-2
	art. 125, al. 07 à 14	non repris
Loi n° 84-16 du 11 janvier 1984 portant dispositions statutaires relatives à la fonction publique de l'Etat	art. 1	L. 1
	art. 2	L. 3
	art. 3, al. 1, al. 3 ph. 1	L. 342-1

art. 3, al. 1 à 3 ph. 1 et al. 4, 5 et 7	L. 332-1
art. 3, al. 3, ph. 2	abrogé
art. 3, al. 3 ph. 3	L. 342-2
art. 3, al. 3 ph. 4	L. 342-3
art. 3, al. 6	L. 6
art. 3, al. 1 et 2	L. 341-2
art. 3 bis	L. 334-3
art. 4	L. 332-2
art. 5	abrogé
art. 6	L. 332-3
art. 6 bis	L. 332-4
art. 6 ter	L. 332-5
art. 6 quater	L. 332-6
art. 6 quinquies	L. 332-7
art. 6 sexies, al. 1	L. 332-22
art. 6 sexies, al. 2	L. 332-28
art. 6 septies, al. 1	L. 445-5
art. 6 septies, al. 2	L. 445-6
art. 6 septies, al. 3	L. 554-2
art. 7	L. 332-28
art. 7, ph. 2	L. 829-1
art. 7 bis, al. 1	L. 332-24
art. 7 bis, al. 2	L. 332-25
art. 7 bis, al. 3	L. 332-26
art. 7 bis, al. 4	L. 332-28
art. 7 ter	L. 554-3
art. 8, al. 1	abrogé
art. 8, al. 2	L. 414-1
art. 9	abrogé
art. 10, al. 1 et 2	L. 414-2
art. 10, al. 3	L. 512-20
art. 10, al. 4	abrogé
art. 10 bis	L. 414-3
art. 12, al. 1	abrogé
art. 12, al. 2, ecqc représentation équilibrée	L. 262-2
art. 13, al. 1	L. 243-1
art. 13, al. 2 et 4	L. 243-2

art. 13, al. 3	abrogé
art. 13, al. 5, ph. 1	L. 243-3
art. 13, al. 5, ph. 2	abrogé
art. 14, al. 1	L. 261-1
art. 14, al. 2, ph. 1	L. 262-1
art. 14, al. 2, ph. 2	L. 262-4
art. 14, al. 3	non repris
art. 14, al. 4	L. 263-1
art. 14, al. 5	L. 263-2
art. 14 bis	L. 216-1
art. 15, al. 01 et 02	L. 251-2
art. 15, al. 03 à 11	L. 253-1
art. 15, al. 12	L. 253-3
art. 15, al. 13 et 14	L. 251-3
art. 15, al. 15 et 17	L. 253-2
art. 15, al. 16	L. 251-4
art. 15 bis, al. 1, ph. 1	L. 252-3
art. 15 bis, al. 1, ph. 2	L. 254-1
art. 15 bis, al. 2	L. 252-1
art. 15 bis, al. 3	L. 252-4
art. 15 bis, al. 4	L. 252-5
art. 15 bis, al. 5	L. 252-6
art. 15 ter	L. 252-7
art. 15 quater, al. 1	L. 253-4
art. 15 quater, al. 2	abrogé
art. 17	abrogé
art. 18, ph. 1	L. 413-3
art. 18, ph. 2, ph. 3, ecqc mobilité, ph. 4	L. 413-2
art. 18, ph. 2, ph. 3, sauf mobilité	L. 413-1
art. 18, ph. 5	L. 413-5
art. 19, al. 01	L. 325-1
art. 19, al. 02	L. 325-2
art. 19, al. 03	L. 325-13
art. 19, al. 04, ph. 1	L. 325-3
art. 19, al. 04, ph. 2, al. 05	L. 325-4
art. 19, al. 06	L. 325-5
art. 19, al. 07, ph. 1 à 3	L. 325-7
art. 19, al. 07, ph. 4, al. 08	L. 325-8

art. 19, al. 09, ecqc concours externes, internes, troisième concours	L. 325-9
art. 19, al. 09 et 10, ecqc concours et examens professionnels art. 58	L. 522-20
art. 19, al. 09 et 10, ecqc examen professionnel	L. 523-2
art. 19, al. 10, ecqc concours externes, internes, troisième concours	L. 325-14
art. 19, al. 11 à 14	L. 325-23
art. 19, al. 15	non repris
art. 20, al. 1 à 4	L. 325-36
art. 20, al. 5	L. 325-37
art. 20, al. 6	L. 325-25
art. 20, al. 7	L. 325-19
art. 20, al. 8	L. 325-20
art. 21, al. 1, al. 2, fin	L. 325-24
art. 21, al. 2, début	L. 325-16
art. 22	L. 326-1
art. 22 bis, al. 01 et 02	L. 326-10
art. 22 bis, al. 03, ph. 1	L. 326-11
art. 22 bis, al. 03, ph. 2	L. 326-12
art. 22 bis, al. 04	L. 326-13
art. 22 bis, al. 05 à 07	L. 326-14
art. 22 bis, al. 08 et 09	L. 326-15
art. 22 bis, al. 10	L. 326-17
art. 22 bis, al. 11	L. 326-16
art. 22 bis, al. 12, al. 14	L. 371-3
art. 22 bis, al. 12, al. 13	L. 326-18
art. 22 bis, al. 15	L. 326-19
art. 24	L. 326-5
art. 25, al. 1 et 3	L. 341-1
art. 25, al. 2	L. 341-2
art. 26	L. 523-1
art. 27, al. 01	L. 352-1
art. 27, al. 02	L. 352-2
art. 27, al. 03	L. 324-6
art. 27, al. 04	L. 352-3

art. 27, al. 05	abrogé
art. 27, al. 06, 07 et 09	L. 352-4
art. 27, al. 10	L. 352-6
art. 28	non repris
art. 29, al. 1, début, al. 2	L. 411-1
art. 29, al. 1 fin	L. 411-2
art. 30	L. 411-6
art. 31	L. 411-9
art. 33	L. 512-1
art. 34, al. 01, al. 02	L. 621-1
art. 34, al. 01, al. 03, ph. 1, sauf durée	L. 822-1
art. 34, al. 01, al. 05, ph. 1, ecqc droit	L. 822-6
art. 34, al. 01, al. 05, ph. 1, ecqc durée	L. 822-7
art. 34, al. 01, al. 09, ph. 1, ecqc liste des affections	L. 822-12
art. 34, al. 01, al. 14	L. 631-1
art. 34, al. 01, al. 16 et 17	L. 631-3
art. 34, al. 01, al. 20	L. 631-6
art. 34, al. 01, al. 21 à 23	L. 631-7
art. 34, al. 01, al. 24 et 25	L. 631-8
art. 34, al. 01, al. 26	L. 631-9
art. 34, al. 01, al. 27 à 29	L. 422-1
art. 34, al. 01, al. 30	L. 215-1
art. 34, al. 01, al. 32, ph. 1	L. 214-1
art. 34, al. 01, al. 33, ph. 1 sauf durée	L. 641-2
art. 34, al. 01, al. 34, ph. 1	L. 633-1
art. 34, al. 01, al. 35, ph. 1	L. 634-1
art. 34, al. 01, al. 36, ph. 1	L. 642-1
art. 34, al. 01, al. 37	L. 644-1
art. 34, al. 01, al. 38	L. 643-1
art. 34, al. 03, ph. 1, ecqc durée	L. 822-2
art. 34, al. 03, ph. 2 et 3	L. 822-3
art. 34, al. 03, ph. 4	L. 822-5
art. 34, al. 04	L. 822-4
art. 34, al. 05, ph. 2 et 3	L. 822-8
art. 34, al. 06	L. 822-9

art. 34, al. 07	L. 822-10
art. 34, al. 08	L. 822-11
art. 34, al. 09, ph. 1 ecqc traitement et ph. 2	L. 822-15
art. 34, al. 10	L. 822-14
art. 34, al. 11	L. 822-13
art. 34, al. 12	L. 822-16
art. 34, al. 13	L. 822-17
art. 34, al. 15	L. 631-2
art. 34, al. 18	L. 631-4
art. 34, al. 19	L. 631-5
art. 34, al. 31	L. 213-1
art. 34, al. 32, ph. 2	L. 214-2
art. 34, al. 32, ph. 3	abrogé
art. 34, al. 33, ph. 1, ecqc durée, ph. 2, ph. 3, ph. 7	L. 641-1
art. 34, al. 33, ph. 4, ph. 6	L. 641-3
art. 34, al. 33, ph. 5	L. 641-4
art. 34, al. 34, ph. 2, ecqc rémunération	L. 633-3
art. 34, al. 34, ph. 2, sauf rémunération, ph. 3, ph. 5 à 7	L. 633-2
art. 34, al. 34, ph. 4	L. 633-4
art. 34, al. 35, ph. 2	L. 634-2
art. 34, al. 35, ph. 3	L. 634-3
art. 34, al. 35, ph. 4	L. 634-4
art. 34, al. 36, ph. 2 à 4	L. 642-2
art. 34 bis, al. 1 à 3	L. 823-1
art. 34 bis, al. 4	L. 823-2
art. 34 bis, al. 5	L. 823-3
art. 34 bis, al. 6	L. 823-4
art. 34 bis, al. 7	L. 823-5
art. 34 bis, al. 8	L. 823-6
art. 35, al. 1, al. 2, ecqc congés de formation	abrogé
art. 35, al. 1, al. 2, ecqc congé de solidarité familiale	abrogé
art. 35, al. 1, al. 2, ecqc congé citoyenneté	abrogé
art. 35, al. 1, al. 2, ecqc décret en Conseil d'Etat	abrogé



	art. 35, al. 1, al. 2 ecqc congé de représentation	abrogé
	art. 35, al. 1, al. 2 ecqc congés annuels	abrogé
	art. 35, al. 1, al. 2 ecqc congés de proche aidant	abrogé
	art. 35, al. 1, al. 2 ecqc congés pour raison de santé	abrogé
	art. 35, al. 1, al. 2 ecqc obligations	L. 822-29
	art. 35, al. 1, al. 2 ecqc période militaire ou réserve	abrogé
	art. 35, al. 1, al. 3	abrogé
	art. 35, al. 1, al. 4	L. 822-30
	art. 36	L. 541-1
	art. 36 bis, al. 1, ph. 1	L. 512-2
	art. 36 bis, al. 1, ph. 2	L. 512-3
	art. 36 bis, al. 2	L. 512-4
	art. 36 bis, al. 3	abrogé
	art. 37, al. 1, ph. 1, sauf décret en Conseil d'Etat	L. 612-1
	art. 37, al. 1, ph. 2	L. 612-9
	art. 37, al. 2	L. 612-2
	art. 37, al. 3	L. 612-11
	art. 37 bis, al. 1 à 3	L. 612-3
	art. 37 ter	L. 612-10
	art. 38, al. 1	L. 612-8
	art. 38, al. 2	L. 612-4
	art. 40, al. 1 et 2	L. 612-5
	art. 40, al. 3, ph. 1	non repris
	art. 40, al. 3 ph. 2	L. 612-6
	art. 40 bis, al. 1, al. 2, ph. 1	L. 632-1
	art. 40 bis, al. 2, ph. 2 à 4	L. 632-2
	art. 40 bis, al. 3	L. 632-3
	art. 40 bis, al. 4	L. 632-4
	art. 40 bis, al. 5	abrogé
	art. 40 ter	non repris
	art. 40-1	abrogé
	art. 40-2	L. 622-3
	art. 41, al. 1	L. 512-6

art. 41, al. 2	L. 512-7
art. 41, al. 3	L. 512-10
art. 41, al. 4	L. 512-9
art. 42, al. 01 à 09	L. 512-8
art. 42, al. 10	L. 512-7
art. 42, al. 11 à 18	L. 512-11
art. 43	L. 334-1
art. 44	abrogé
art. 44 bis	non repris
art. 45, al. 01 et 02	L. 513-1
art. 45, al. 03 et 04	L. 513-2
art. 45, al. 05	L. 513-10
art. 45, al. 06	L. 513-3
art. 45, al. 07	L. 513-18
art. 45, al. 08	L. 513-19
art. 45, al. 09	L. 513-17
art. 45, al. 10 et 11	L. 513-11
art. 45 bis	non repris
art. 46, al. 1 ecqc affiliation	L. 513-4
art. 46, al. 1 ecqc étranger	L. 513-6
art. 46, al. 1 ecqc fonctions électorales	L. 513-5
art. 46, al. 2, al. 3, al. 4, ph. 1	non repris
art. 46, al. 4, ph. 2	L. 513-19
art. 46 bis	L. 513-6
art. 47	L. 511-4
art. 48	abrogé
art. 51, al. 1	L. 514-1
art. 51, al. 2	L. 514-2
art. 51, al. 3	L. 514-3
art. 51, al. 4	L. 514-5
art. 51, al. 5, ph. 1	L. 514-4
art. 51, al. 5, ph. 2	L. 514-8
art. 52	abrogé
art. 54, al. 1	L. 515-1
art. 54, al. 2, ph. 1	L. 515-2
art. 54, al. 2, ph. 2 et 3	L. 515-3
art. 54, al. 2, ph. 4 et 5	L. 515-4
art. 54, al. 3, ph. 1 et 2	L. 515-8

art. 54, al. 3, ph. 3	L. 515-7
art. 54, al. 4	L. 515-10
art. 54, al. 5	L. 515-5
art. 54, al. 6	L. 515-6
art. 54, al. 7	abrogé
art. 54 bis	L. 515-9
art. 55, al. 1 ph. 1, ecqc entretien professionnel	non repris
art. 55, al. 1 ph. 1, sauf entretien professionnel	L. 521-1
art. 55, al. 1, ph. 2	L. 521-4
art. 55, al. 2	L. 521-2
art. 55, al. 3	L. 521-5
art. 55, al. 4	abrogé
art. 56	L. 522-1
art. 57, al. 1, al. 2, ph. 1, al. 3	L. 522-2
art. 57, al. 2, ph. 2	L. 522-3
art. 57, al. 2, ph. 3	L. 522-8
art. 58, al. 01	L. 522-4
art. 58, al. 02	L. 522-16
art. 58, al. 03	L. 522-17
art. 58, al. 04 à 09	L. 522-18
art. 58, al. 06, ph. 1	L. 132-10
art. 58, al. 10	L. 522-19
art. 58, al. 11	L. 522-21
art. 58, al. 12	L. 522-22
art. 60, al. 01	L. 512-18
art. 60, al. 02 à 07	L. 512-19
art. 60, al. 08	abrogé
art. 60, al. 09 et 10	L. 512-21
art. 60, al. 11	L. 512-22
art. 61	L. 311-2
art. 62	L. 512-28
art. 62 bis, al. 01	L. 442-1
art. 62 bis, al. 02	L. 442-2
art. 62 bis, al. 03 à 05	L. 442-4
art. 62 bis, al. 06 et 07	L. 442-5
art. 62 bis, al. 08 et 09	L. 442-6
art. 62 bis, al. 10	L. 442-7

	art. 62 bis, al. 11	L. 442-8
	art. 62 bis, al. 12	L. 442-9
	art. 62 bis, al. 13	L. 442-3
	art. 62 bis, al. 14	abrogé
	art. 62 ter	L. 813-1
	art. 63, al. 1, ph. 1	L. 826-1
	art. 63, al. 2, ph. 1	L. 826-5
	art. 63, al. 1, ph. 2	L. 826-3
	art. 63, al. 2, ph. 2, ph. 3	abrogé
	art. 63, al. 4 et 5	L. 826-2
	art. 63, al. 3	L. 826-4
	art. 63 bis, al. 1, ph. 1, début, al. 2	L. 511-8
	art. 63 bis, al. 1, ph. 1, fin	L. 511-6
	art. 63 bis, al. 1, ph. 2	L. 511-7
	art. 64	L. 712-1
	art. 64 bis, al. 1	L. 714-2
	art. 64 bis, al. 2	non repris
	art. 64 ter	L. 6
	art. 65, al. 1	L. 824-1
	art. 65, al. 2	abrogé
	art. 65 bis	L. 611-1
	art. 66, al. 01 à 16	L. 533-1
	art. 66, al. 17	L. 533-5
	art. 66, al. 18	L. 533-6
	art. 66, al. 19	L. 533-2
	art. 66, al. 20	L. 533-3
	art. 67, al. 1, ph 1	L. 532-1
	art. 67, al. 1, ph2	L. 533-4
	art. 67, al. 2	L. 532-3
	art. 68	L. 556-1
	art. 69	L. 553-1
	art. 70, al. 1	L. 553-2
	art. 70, al. 2	L. 553-3
	art. 71	L. 556-14
Loi n° 84-53 du 26 janvier 1984 portant dispositions statutaires relatives à la fonction publique territoriale	art. 1	L. 1
	art. 2	L. 4
	art. 2-1	L. 244-4
	art. 3, al. 1 à 3	L. 332-23

	art. 3, al. 4	L. 332-24
	art. 3, al. 5	L. 332-25
	art. 3, al. 6	L. 332-26
	art. 3, al. 7	L. 332-28
	art. 3-1	L. 332-13
	art. 3-2	L. 332-14
	art. 3-3	L. 332-8
	art. 3-4, al. 1	L. 327-5
	art. 3-4, al. 2 à 5	L. 332-10
	art. 3-4, al. 6	L. 332-11
	art. 3-5	L. 332-12
	art. 3-6	L. 333-13
	art. 3-7	L. 334-3
	art. 4, al. 1 à 4	L. 411-1
	art. 4, al. 5, al. 6 fin	L. 415-1
	art. 4, al. 6 début	L. 4
	art. 6, al. 1, ph. 1	abrogé
	art. 6, al. 1, ph. 2	L. 411-2
	art. 6, al. 2	L. 415-3
	art. 6-1, al. 1, ph. 1, al. 3	L. 412-5
	art. 6-1, al. 1, ph. 2, al. 2	L. 313-1
	art. 7, al. 1	abrogé
	art. 7, al. 2	L. 511-4
	art. 7-1, al. 1	L. 611-2
	art. 7-1, al. 2	abrogé
	art. 7-1, al. 2, ph. 1	abrogé
	art. 7-1, al. 2, ph. 2	L. 621-5
	art. 7-1, al. 3	abrogé
	art. 7-2, al. 1	L. 114-7
	art. 7-2, al. 2 et 3	L. 114-8
	art. 7-2, al. 4 à 8	L. 114-9
	art. 7-2, al. 9	L. 114-10
	art. 8, al. 1	L. 244-1
	art. 8, al. 2 à 6	L. 244-2
	art. 8, al. 7	abrogé
	art. 8, al. 8	abrogé
	art. 9, al. 1 à 4	L. 244-1
	art. 9, al. 5	L. 244-3
	art. 9, al. 6	L. 244-7

art. 10, al. 1	L. 244-6
art. 10, al. 2	abrogé
art. 10, al. 3	non repris
art. 10-1	L. 244-5
art. 11	L. 244-7
art. 12, al. 01	L. 451-1
art. 12, al. 02 à 07	L. 451-2
art. 12, al. 08	non repris
art. 12, al. 09	abrogé
art. 12, al. 10	L. 451-12
art. 12-1, al. 01	abrogé
art. 12-1, al. 02 à 05, al. 07, al. 09	L. 451-8
art. 12-1, al. 02 et 06	L. 451-14
art. 12-1, al. 08	L. 451-11
art. 12-1, al. 10 à 16	L. 451-9
art. 12-1, al. 17	L. 451-10
art. 12-2, al. 01 à 09	L. 451-17
art. 12-2, al. 10 à 12	L. 451-18
art. 12-2, al. 13 à 16	L. 451-20
art. 12-2-1	L. 451-19
art. 12-2-2	L. 451-21
art. 12-3, al. 1 et 3	L. 451-15
art. 12-3, al. 2	non repris
art. 12-3, al. 4	L. 451-16
art. 12-4, al. 1	L. 451-23
art. 12-4, al. 2	L. 451-25
art. 12-4, al. 3, ph. 1	L. 451-22
art. 12-4, al. 3, ph. 2	abrogé
art. 13, al. 1, ph. 1 début	L. 452-1
art. 13, al. 1, sauf début ph. 1, al. 2 à 5	L. 452-22
art. 13, al. 6	abrogé
art. 14, al. 01, ecqc affiliation	L. 452-13
art. 14, al. 01, ecqc missions	L. 452-1
art. 14, al. 02	L. 452-2
art. 14, al. 03	L. 452-24
art. 14, al. 04, ph. 3	non repris
art. 14, al. 04 sauf ph. 3 et al. 20	L. 452-11
art. 14, al. 05	non repris

art. 14, al. 06	non repris
art. 14, al. 07	L. 452-5
art. 14, al. 08 à 19	L. 452-34
art. 14, al. 21	L. 461-3
art. 14, al. 22	abrogé
art. 14-1	L. 452-12
art. 15, al. 1	L. 452-14
art. 15, al. 2, al. 4 et 5	L. 452-20
art. 15, al. 3	L. 452-19
art. 16	L. 452-18
art. 17, al. 1, ph. 1	L. 452-3
art. 17, al. 1, ph. 2	L. 452-23
art. 17, al. 2	L. 452-33
art. 17, al. 3 et 4	L. 452-21
art. 18, al. 1	L. 452-4
art. 18, al. 2	L. 452-21
art. 18-1, al. 1 et 2	L. 452-7
art. 18-1, al. 3	L. 452-21
art. 18-2, al. 1, al. 2 et 4, ecqc missions des centres de gestion	L. 452-9
art. 18-2, al. 2 et 4, ecqc affiliation	L. 452-15
art. 18-2, al. 3 et 5	L. 452-21
art. 18-2-1, al. 1 et al. 6, al. 2 et al. 4 ecqc missions	L. 452-10
art. 18-2-1, al. 2 et al. 4, ecqc affiliation	L. 452-16
art. 18-2-1, al. 3 et al. 5	L. 452-21
art. 18-3, al. 1, ph. 1	L. 452-8
art. 18-3, al. 1, ph. 2 et 3	L. 452-17
art. 18-3, al. 1, ph. 4	non repris
art. 18-3, al. 2	L. 443-1
art. 19	L. 422-27
art. 20	L. 452-6
art. 21	L. 452-24
art. 22, al. 1, ph. 1	L. 452-25
art. 22, al. 1, ph. 2	L. 452-26
art. 22, al. 1, ph. 3, al. 2	L. 452-27
art. 22, al. 3	L. 452-29
art. 22, al. 4 et 5	L. 452-28

art. 22, al. 6	L. 452-32
art. 22, al. 7 et 8	L. 452-30
art. 22-1, al. 1 et 3	L. 452-31
art. 22-1, al. 2	abrogé
art. 22-2	L. 451-24
art. 23, al. 01, ph. 1, al. 21	L. 452-35
art. 23, al. 01, ph. 2 et 3	L. 452-37
art. 23, al. 02 à 13, al. 15 à 20	L. 452-38
art. 23, al. 14	abrogé
art. 23, al. 22	L. 452-39
art. 23-1	L. 452-36
art. 24	L. 452-41
art. 25, al. 1	L. 452-40
art. 25, al. 2 et al. 4	L. 452-44
art. 25, al. 3	L. 452-30
art. 25, al. 4	L. 812-2
art. 25, al. 5	L. 452-48
art. 25, al. 6, ph 1	L. 452-42
art. 25, al. 6 ph. 2, al. 7	non repris
art. 25, al. 8	L. 452-45
art. 25-1, al. 1	L. 827-7
art. 25-1, al. 2	L. 827-8
art. 26, al. 1, al. 2 et al 4	L. 452-46
art. 26, al. 3	non repris
art. 26, al. 5	non repris
art. 26, al. 6	abrogé
art. 26-1	L. 452-47
art. 26-2	L. 452-43
art. 27	non repris
art. 27-1	non repris
art. 28, al. 1, ph. 1 et 2	L. 261-2
art. 28, al. 1, ph. 3	non repris
art. 28, al. 2	L. 261-3
art. 28, al. 3	L. 263-1
art. 28, al. 4	L. 262-6
art. 28, al. 5, ph. 1	L. 261-5
art. 28, al. 5, ph. 2	L. 261-4
art. 28, al. 5 ph. 3	L. 523-3
art. 28, al. 6 et 7	L. 261-6



art. 28, al. 8	L. 261-7
art. 29, al. 1 et 2	L. 262-5
art. 29, al. 3	non repris
art. 29, al. 4	non repris
art. 29, al. 5	abrogé
art. 30, al. 1	L. 263-3
art. 30, al. 2	L. 264-2
art. 30, al. 3	L. 216-2
art. 31, al. 1 et 2	L. 264-1
art. 31, al. 3	abrogé
art. 32, al. 1, ph. 1 et 2	L. 251-5
art. 32, al. 1, ph. 3, al. 2	L. 251-7
art. 32, al. 3	L. 251-8
art. 32, al. 4	L. 251-6
art. 32, al. 5	L. 254-2
art. 32, al. 6	abrogé
art. 32-1, al. 1 à 3	L. 251-9
art. 32-1, al. 4	L. 251-10
art. 32-1, al. 5	L. 253-6
art. 33, al. 01 à 09	L. 253-5
art. 33, al. 10	L. 231-4
art. 33, al. 11	abrogé
art. 33-1, al. 1	L. 253-6
art. 33-1, al. 2	L. 254-3
art. 33-1, al. 3	L. 214-7
art. 33-1, al. 4	abrogé
art. 33-2, al. 1, ph. 1	L. 252-8
art. 33-2, al. 1, ph. 2	L. 254-4
art. 33-2, al. 2	L. 252-1
art. 33-2, al. 3	L. 252-9
art. 33-2, al. 4	L. 252-10
art. 33-3	L. 231-4
art. 33-4, al. 01	L. 281-1
art. 33-4, al. 02 à 04	L. 281-2
art. 33-4, al. 05 à 10	L. 281-3
art. 33-5, al. 1, ph. 1	L. 413-3
art. 33-5, al. 1, ph. 2 et 3	L. 413-1
art. 33-5, al. 1, ph. 4	L. 413-5
art. 33-5, al. 2, ph. 1 à 3	L. 413-6

art. 33-5, al. 2, ph. 4	abrogé
art. 34	L. 313-1
art. 35, al. 1	L. 352-1
art. 35, al. 2	L. 352-2
art. 35, al. 3	L. 324-6
art. 35, al. 4, ph. 1 et 2	L. 352-3
art. 35, al. 4, ph. 3	abrogé
art. 35, al. 5	L. 352-6
art. 36, al. 01	L. 325-1
art. 36, al. 02	L. 325-2
art. 36, al. 03	L. 325-13
art. 36, al. 04, ph. 1	L. 325-3
art. 36, al. 04, ph. 2 et 3	L. 325-4
art. 36, al. 04 ph. 1 ecqc épreuves al 06 ph. 5, ecqc épreuves	abrogé
art. 36, al. 05	L. 325-5
art. 36, al. 06, ph. 1 à 3	L. 325-7
art. 36, al. 06, ph. 4, al. 07	L. 325-8
art. 36, al. 08	abrogé
art. 36, al. 08, ecqc examen professionnel avancement grade	L. 522-25
art. 36, al. 08, ecqc examen pro promotion interne	L. 523-4
art. 36, al. 09, ecqc concours externes, internes, troisième concours	L. 325-9
art. 36, al. 09, ecqc sélection	L. 325-28
art. 36, al. 10, ph. 1 et 2	L. 325-27
art. 36, al. 10 ph. 3 et 4	L. 325-14
art. 36, al. 11	L. 325-30
art. 37, al. 1	L. 325-31
art. 37, al. 2	L. 325-16
art. 38, al. 1 à 5	L. 326-1
art. 38, al. 6 ph. 1 et 4, al. 8	L. 352-4
art. 38, al. 6 ph. 2	L. 352-5
art. 38 bis, al. 01, 02 et 05	L. 326-10
art. 38 bis, al. 03, ph. 1	L. 326-11
art. 38 bis, al. 03, ph. 2	L. 326-12

art. 38 bis, al. 04	L. 326-13
art. 38 bis, al. 06 à 08	L. 326-14
art. 38 bis, al. 09 et 10	L. 326-15
art. 38 bis, al. 11	L. 326-16
art. 38 bis, al. 12	L. 326-17
art. 38 bis, al. 13 et 14	L. 326-18
art. 38 bis, al. 16	L. 326-19
art. 38 bis, al. 17	abrogé
art. 39, al. 1 à 4	L. 523-1
art. 39, al. 5 et 6	L. 523-5
art. 40, al. 1, ecqc agents contractuels	L. 332-27
art. 40, al. 1, ecqc fonctionnaires	L. 415-1
art. 41, al. 1 et 2	L. 313-4
art. 41, al. 3	L. 327-7
art. 41, al.4	L. 311-2
art. 42	non repris
art. 43	L. 325-29
art. 44, al. 01, ph. 1, al. 02, 03 et 09	L. 325-38
art. 44, al. 01, ph. 2	L. 325-26
art. 44, al. 04 et 05	L. 325-39
art. 44, al. 06	L. 325-40
art. 44, al. 07 et 08	L. 325-41
art. 44, al. 10, ph. 1	L. 325-42
art. 44, al. 10, ph. 2	abrogé
art. 44, al. 10, ph. 3	L. 325-43
art. 44, al. 11	L. 325-19
art. 44, al. 12	L. 325-20
art. 45, al. 1 et 2	L. 325-44
art. 45, al. 3, ph. 1	L. 325-45
art. 45, al. 3, ph. 2, al. 4	L. 325-46
art. 45, al. 5	L. 327-9
art. 46, al. 1, ph. 1	L. 327-3
art. 46, al. 1, ph. 2	L. 327-1
art. 46, al. 1, ph. 3	L. 327-6
art. 46, al. 2	abrogé
art. 46, al. 3, al. 4	L. 327-9
art. 46, al. 5	L. 327-4

art. 47, al. 1 à 4	L. 343-1
art. 47, al. 5	abrogé
art. 47, al. 6	L. 343-2
art. 47, al. 7	L. 343-3
art. 48, al. 1	L. 411-6
art. 48, al. 2	L. 411-1
art. 49, al. 1	L. 411-6
art. 49, al. 2	L. 522-27
art. 49, al. 3	L. 415-2
art. 50	L. 411-9
art. 51, al. 1	L. 512-24
art. 51, al. 2	L. 512-25
art. 52	L. 512-23
art. 53, al. 01	L. 544-4
art. 53, al. 02 à 09	L. 412-6
art. 53, al. 10, ecqc recrutement direct	L. 544-8
art. 53, al. 10, sauf recrutement direct	L. 544-1
art. 53, al. 11	L. 544-2
art. 53, al. 12	L. 544-3
art. 53, al. 13	L. 544-5
art. 54, al. 1	L. 512-26
art. 54, al. 2	L. 512-28
art. 56	L. 512-1
art. 57, al. 01, al. 04, ph. 1, sauf durée	L. 822-1
art. 57, al. 01, al. 07, ph. 1, ecqc droit	L. 822-6
art. 57, al. 01, al. 07, ph. 1, ecqc durée	L. 822-7
art. 57, al. 01, al. 12, ph. 1, ecqc liste des affections	L. 822-12
art. 57, al. 01, al. 26	L. 631-1
art. 57, al. 01, al. 28 et 29	L. 631-3
art. 57, al. 01, al. 32	L. 631-6
art. 57, al. 01, al. 33 à 35	L. 631-7
art. 57, al. 01, al. 36 et 37	L. 631-8
art. 57, al. 01, al. 38	L. 631-9
art. 57, al. 01, al. 39 à 41	L. 422-1

art. 57, al. 01, al. 42	L. 215-1
art. 57, al. 01, al. 43, ph. 1	L. 214-1
art. 57, al. 01, al. 44, ph. 1 sauf durée	L. 641-2
art. 57, al. 01, al. 50, ph. 1	L. 633-1
art. 57, al. 01, al. 51, ph. 1	L. 634-1
art. 57, al. 01, al. 52, ph. 1	L. 642-1
art. 57, al. 01, al. 53	L. 644-1
art. 57, al. 01, al. 54	L. 643-1
art. 57, al. 01 et 02	L. 621-1
art. 57, al. 03	L. 651-1
art. 57, al. 04, ph. 1, ecqc durée	L. 822-2
art. 57, al. 04, ph. 2 et 3	L. 822-3
art. 57, al. 04, ph. 4	L. 822-5
art. 57, al. 05	L. 822-4
art. 57, al. 06, ph. 1, al. 11, al. 17	L. 825-1
art. 57, al. 06, ph. 2	L. 825-2
art. 57, al. 07, ph. 2 et 3	L. 822-8
art. 57, al. 08	L. 822-9
art. 57, al. 09	L. 822-10
art. 57, al. 10	L. 822-11
art. 57, al. 12, ph. 1 ecqc traitement et ph. 2	L. 822-15
art. 57, al. 13	L. 822-14
art. 57, al. 14	L. 822-13
art. 57, al. 15	L. 822-16
art. 57, al. 16	L. 822-17
art. 57, al. 18 à 20	L. 823-1
art. 57, al. 21	L. 823-2
art. 57, al. 22	L. 823-3
art. 57, al. 23	L. 823-4
art. 57, al. 24	L. 823-5
art. 57, al. 25	L. 823-6
art. 57, al. 27	L. 631-2
art. 57, al. 30	L. 631-4
art. 57, al. 31	L. 631-5
art. 57, al. 43, ph 2 et 3	L. 214-2
art. 57, al. 43, ph. 4	abrogé

art. 57, al. 44, ph. 1 ecqc durée, ph. 2, ph. 3, ph. 7	L. 641-1
art. 57, al. 44, ph. 4, ph. 6	L. 641-3
art. 57, al. 44, ph. 5	L. 641-4
art. 57, al. 45 à 49	L. 822-26
art. 57, al. 50, ph. 2, sauf rémunération, ph. 3, ph. 5 à 7	L. 633-2
art. 57, al. 50, ph. 2 ecqc rémunération	L. 633-3
art. 57, al. 50, ph. 4	L. 633-4
art. 57, al. 51, ph. 2	L. 634-2
art. 57, al. 51, ph. 3	L. 634-3
art. 57, al. 51, ph. 4	L. 634-4
art. 57, al. 52, ph. 2 à 4	L. 642-2
art. 58, al. 1, al. 2, ecqc congé de solidarité familiale	abrogé
art. 58, al. 1, al. 2, ecqc congé de citoyenneté	abrogé
art. 58, al. 1, al. 2, ecqc décret en Conseil d'Etat	abrogé
art. 58, al. 1, al. 2 ecqc congé de représentation	abrogé
art. 58, al. 1, al. 2 ecqc congés de formation	abrogé
art. 58, al. 1, al. 2 ecqc congés annuels	abrogé
art. 58, al. 1, al. 2 ecqc congés de proche aidant	abrogé
art. 58, al. 1, al. 2 ecqc congés pour raison de santé	abrogé
art. 58, al. 1, al. 2 ecqc obligations	L. 822-29
art. 58, al. 1, al. 2 ecqc période militaire ou réserve	abrogé
art. 58, al. 1, al. 3	abrogé
art. 58, al. 1, al. 4	L. 822-30
art. 58, al. 5, ph. 2	non repris
art. 58, al. 5 ph. 1	L. 829-2
art. 59, al. 1, al. 3 et al. 4	L. 622-5
art. 59, al. 1 et 2	L. 214-3
art. 59, al. 5	abrogé
art. 59-1	L. 622-3

	art. 60, al. 01	L. 612-1
	art. 60, al. 02	L. 612-12
	art. 60, al. 03	L. 612-2
	art. 60, al. 04	L. 612-13
	art. 60, al. 05	L. 612-8
	art. 60, al. 06	L. 612-4
	art. 60, al. 07 et 08	L. 612-5
	art. 60, al. 09, ph. 1	non repris
	art. 60, al. 09, ph. 2	L. 612-6
	art. 60, al. 10	abrogé
	art. 60 bis, al. 1 à 3	L. 612-3
	art. 60 bis, al. 4	abrogé
	art. 60 ter	abrogé
	art. 60 quater	L. 612-14
	art. 60 quinquies	non repris
	art. 60 sexies, al. 1, al. 2, ph. 1	L. 632-1
	art. 60 sexies, al. 2, ph. 2 à 4	L. 632-2
	art. 60 sexies, al. 3	L. 632-3
	art. 60 sexies, al. 4	L. 632-4
	art. 60 sexies, al. 5	abrogé
	art. 61, al. 1	L. 512-6
	art. 61, al. 2	L. 512-7
	art. 61, al. 3	L. 512-12
	art. 61, al. 4	L. 512-13
	art. 61, al. 5	L. 512-14
	art. 61, al. 6	L. 512-9
	art. 61-1, al. 01 à 06, al. 08 à 10	L. 512-8
	art. 61-1, al. 01 et 07	L. 512-13
	art. 61-1, al. 11	L. 512-7
	art. 61-1, al. 12	L. 512-15
	art. 61-1, al. 13	non repris
	art. 61-2	L. 334-1
	art. 63	abrogé
	art. 64, al. 1 et 2	L. 513-1
	art. 64, al. 3	L. 513-2
	art. 64, al. 4	L. 513-3
	art. 65, al. 1, al. 2, début, ecqc affiliation	L. 513-4
	art. 65, al. 1 ecqc étranger	L. 513-6

art. 65, al. 1 ecqc fonctions électorales	L. 513-5
art. 65, al. 2, fin, al. 3 à 5	non repris
art. 65-1	L. 513-6
art. 66, al. 1	L. 513-25
art. 66, al. 2	L. 513-3
art. 66, al. 3	L. 513-10
art. 66, al. 4	L. 513-20
art. 67, al. 1	L. 513-23
art. 67, al. 2, ph. 1 et 4	L. 513-24
art. 67, al. 2, ph. 2 et 3	L. 513-11
art. 67, al. 3	L. 513-26
art. 67, al. 4, ph. 1	L. 513-21
art. 67, al. 4, ph. 2 et 3	L. 513-22
art. 68	L. 511-4
art. 68-1, ph. 1	L. 511-6
art. 68-1, ph. 2	L. 511-7
art. 69	abrogé
art. 72, al. 1	L. 514-1
art. 72, al. 2	L. 514-2
art. 72, al. 3	L. 514-3
art. 72, al. 4	L. 514-5
art. 72, al. 5, ph. 1	L. 514-4
art. 72, al. 5, ph. 2	L. 514-8
art. 72, al. 6	L. 514-6
art. 72, al. 7	L. 514-7
art. 73	abrogé
art. 75, al. 1	L. 515-1
art. 75, al. 2, ph. 1	L. 515-2
art. 75, al. 2, ph. 2 et 3	L. 515-3
art. 75, al. 2, ph. 4 et 5	L. 515-4
art. 75, al. 3, ph. 1 et 2	L. 515-8
art. 75, al. 3, ph. 3	L. 515-7
art. 75, al. 4	L. 515-11
art. 75, al. 5	L. 515-5
art. 75, al. 6	L. 515-6
art. 75, al. 7	abrogé
art. 75-1	L. 515-8
art. 76, al. 1, ph. 2	L. 521-3



art. 76, al. 1, ph. 3	L. 521-4
art. 76, al. 1 ph. 1, ecqc entretien professionnel	non repris
art. 76, al. 1 ph. 1 sauf entretien professionnel	L. 521-1
art. 76, al. 2	L. 521-5
art. 76, al. 3	abrogé
art. 77, al. 1	L. 522-1
art. 77, al. 2, ecqc avancement d'échelon	L. 522-13
art. 77, al. 2, ecqc avancement de grade	L. 522-30
art. 77, al. 2, ecqc promotion interne	L. 523-6
art. 78, al. 1, al. 2, al. 3, ph. 2, fin	L. 522-2
art. 78, al. 3, ph. 1	L. 522-3
art. 78, al. 3, ph. 3	L. 522-10
art. 78-1, al. 1 et 2	L. 522-11
art. 78-1, al. 3	L. 522-12
art. 79, al. 1	L. 522-4
art. 79, al. 2 à 3, al. 5 à 6	L. 522-24
art. 79, al. 4, ph. 1	L. 132-10
art. 79, al. 7	L. 522-23
art. 80, al. 1 et 2	L. 522-26
art. 80, al. 3	L. 522-28
art. 80, al. 4	L. 522-29
art. 81	L. 826-3
art. 82, al. 1	L. 826-5
art. 82, al. 2 et 3	L. 826-9
art. 83	L. 826-4
art. 84	L. 826-3
art. 85, ph.1	L. 826-6
art. 85, ph. 2	L. 826-8
art. 85-1, al. 1, ph. 1 et 2, al. 2	L. 826-2
art. 85-1, al. 1, ph. 3	L. 826-7
art. 86	abrogé
art. 87, al. 1	L. 712-1
art. 87, al. 2 et 3	abrogé
art. 88, al. 1	L. 714-4
art. 88, al. 2 et 3	L. 714-5

art. 88, al. 4	L. 714-6
art. 88, al. 5	L. 714-7
art. 88, al. 6	L. 714-8
art. 88, al. 7	L. 313-2
art. 88, al. 8	L. 313-3
art. 88-1	L. 731-4
art. 88-2, al. 1	L. 827-4
art. 88-2, al. 2 à 5	L. 827-5
art. 88-2, al. 6 et 7	L. 827-6
art. 88-2, al. 8	abrogé
art. 88-3, al. 1	L. 827-9
art. 88-3, al. 2	L. 827-10
art. 88-3, al. 3	L. 827-11
art. 88-4	L. 827-12
art. 89, al. 01 à 15	L. 533-1
art. 89, al. 16	L. 533-5
art. 89, al. 17	L. 533-6
art. 89, al. 18	L. 533-2
art. 89, al. 19	L. 533-3
art. 89, al. 20, ph. 1 et 2	L. 532-1
art. 89, al. 20, ph. 3	L. 533-4
art. 90, al. 1 et 2	L. 532-7
art. 90, al. 3, 4 et 5	L. 532-8
art. 90, al. 6	L. 532-9
art. 90, al. 7	L. 532-10
art. 92	L. 556-1
art. 93, al. 1	L. 553-2
art. 93, al. 2	L. 553-3
art. 94	L. 556-14
art. 96, al. 1, 2 et 4	L. 551-1
art. 96, al. 3, 5, 6, 7, 8 et 9	L. 551-2
art. 97, al. 01	L. 542-1
art. 97, al. 02, ph. 01 à 03	L. 542-2
art. 97, al. 02, ph. 04	L. 542-4
art. 97, al. 02, ph. 05 à 07	L. 542-5
art. 97, al. 02, ph. 08	L. 542-7
art. 97, al. 02, ph. 09	L. 542-8
art. 97, al. 02, ph. 10	L. 542-3

art. 97, al. 03, ph. 1, sauf rémunération	L. 542-9
art. 97, al. 03, ph. 1 fin, ph. 2, ph. 4, al. 05, ph. 3 à 5	L. 542-15
art. 97, al. 03, ph. 3	L. 542-12
art. 97, al. 04	L. 542-10
art. 97, al. 05, ph. 1 et 2	L. 542-16
art. 97, al. 06	L. 542-17
art. 97, al. 07	L. 542-14
art. 97, al. 08, ph. 1 à 3	L. 542-18
art. 97, al. 08, ph. 4	L. 561-1
art. 97, al. 09	L. 542-19
art. 97, al. 10	L. 542-20
art. 97, al. 11, ph. 1 et 2	L. 542-34
art. 97, al. 11, ph. 3	L. 542-35
art. 97, al. 12	L. 542-21
art. 97, al. 13	L. 542-22
art. 97, al. 14	L. 542-13
art. 97, al. 15	L. 542-23
art. 97, al. 16	L. 542-24
art. 97 bis, al. 1, al. 4, ecqc contribution financière	L. 542-25
art. 97 bis, al. 1, ph. 1, al. 4, ecqc conditions de prise en charge	L. 542-6
art. 97 bis, al. 2	L. 542-27
art. 97 bis, al. 2 et 3, ecqc assiette du montant de la contribution	L. 542-26
art. 97 bis, al. 3	L. 542-28
art. 97 bis, al. 5, ph. 1	L. 542-33
art. 97 bis, al. 5, ph. 2	L. 542-32
art. 97 bis, al. 5, ph. 3	L. 542-31
art. 97 bis, al. 6	L. 542-29
art. 97 ter	L. 542-30
art. 98	L. 544-6
art. 99, al. 1, ecqc congé spécial sur autorisation	L. 544-10
art. 99, al. 1, ecqc durée	L. 544-14
art. 99, al. 1 et 2, ecqc congé spécial de droit	L. 544-11

art. 99, al. 2, ecqc date de demande du congé spécial de droit	L. 544-12
art. 99, al. 3	L. 544-15
art. 99, al. 4	L. 544-16
art. 99, al. 5	L. 544-13
art. 99, al. 6	abrogé
art. 100, al. 1, ecqc affichage et distribution des publications syndicales	non repris
art. 100, al. 1, ecqc réunions d'information syndicale	L. 215-2
art. 100, al. 2	L. 213-3
art. 100, al. 3	L. 213-4
art. 100, al. 4	non repris
art. 100, al. 5	L. 213-2
art. 100, al. 6	abrogé
art. 100, al. 7 et 8	abrogé
art. 100-1, al. 1 à 4	L. 214-4
art. 100-1, al. 5	L. 214-5
art. 100-1, al. 6	L. 214-6
art. 100-1, al. 7	abrogé
art. 104, al. 1	L. 613-1
art. 104, al. 2	L. 613-4
art. 104, al. 3	abrogé
art. 105, al. 1	L. 613-3
art. 105, al. 2	abrogé
art. 105, al. 3	abrogé
art. 106	non repris
art. 107, al. 1	L. 613-5
art. 107, al. 2	L. 613-6
art. 108, al. 1	L. 613-2
art. 108, al. 2	abrogé
art. 108-1	L. 811-1
art. 108-2, al. 1, ph. 1 et 2	L. 812-3
art. 108-2, al. 1, ph. 3	L. 812-5
art. 108-2, al. 2	L. 812-4
art. 108-3	L. 812-1
art. 108-3-1	L. 813-1
art. 108-4, al. 1	L. 813-2

art. 108-4, al. 2	abrogé
art. 110, al. 01	L. 333-1
art. 110, al. 02 à 06	L. 333-2
art. 110, al. 07 et 08	L. 333-3
art. 110, al. 09	L. 333-4
art. 110, al. 10 à 15	L. 333-5
art. 110, al. 16	L. 333-6
art. 110, al. 17	L. 333-7
art. 110, al. 18, ecqc effectifs	L. 333-9
art. 110, al. 18, ecqc rémunération	abrogé
art. 110, al. 19, ph. 1	L. 333-10
art. 110, al. 19, ph. 2	abrogé
art. 110-1, al. 1 à 3	L. 333-12
art. 110-1, al. 4, ecqc assurance chômage	L. 557-2
art. 110-1, al. 4, ecqc indemnité de licenciement	L. 554-4
art. 111, al. 1 et 2	abrogé
art. 111, al. 3	L. 714-11
art. 111-1	L. 714-11
art. 112, al. 1	L. 651-3
art. 112, al. 2 et 3	L. 461-4
art. 112, al. 4 et 5	L. 461-5
art. 112, al. 6	L. 371-1
art. 112, al. 7, ecqc art. 53	L. 461-1
art. 112, al. 7 à 9, ecqc article 47	L. 371-2
art. 112-1, al. 1 et 2	abrogé
art. 112-1, al. 3	non repris
art. 112-2, ecqc art. 53	L. 461-1
art. 112-2, ecqc article 47	L. 343-5
art. 112-3, ecqc art. 53	L. 412-7
art. 112-3, ecqc article 47	L. 343-5
art. 114, al. 1	abrogé
art. 114, al. 2	abrogé
art. 115, al. 1 et 2	abrogé
art. 115, al. 3	abrogé
art. 116	abrogé
art. 117, ph. 1	abrogé

art. 117, ph. 2	L. 415-5 (RV)
art. 118, al. 1, ph. 1, al. 7 et 8	L. 417-2
art. 118, al. 1, ph. 2 et 3	L. 417-1
art. 118, al. 2	non repris86-33
art. 118, al. 3 à 6	L. 417-3
art. 119, al. 01 à 08, al. 10, al. 12 à 13	abrogé
art. 119, al. 11	abrogé
art. 119, al. 14 et 15	L. 511-4
art. 119, al. 9	L. 556-15
art. 121	abrogé
art. 122	abrogé
art. 123	abrogé
art. 132	abrogé
art. 136, al. 01 à al 03	abrogé
art. 136, al. 04, ph. 1	L. 9
art. 136, al. 04, ph. 2	L. 829-1
art. 136, al. 04, ph. 3 et 4	L. 554-3
art. 136, al. 04, ph. 5, ecqc mise à disposition, al. 05 à 09	L. 516-1
art. 136, al. 04, ph. 5 ecqc rémunération	L. 713-1
art. 136, al. 10 et 11	L. 272-2
art. 136, al. 12 et 13	L. 272-1
art. 136, al. 14	L. 532-11
art. 136, al. 15	L. 532-12
art. 136, al. 16	abrogé
art. 137	abrogé
art. 139	abrogé
art. 139 bis	abrogé
art. 139 ter	abrogé
art. 140	abrogé