

## *Emerged from investigations by prosecutors Cammarano and Federico* **Bayesian case, Smit Salvage divers without minimum safety requirements for deep-sea diving**

PORTICELLO (13 June 2025) – Investigations continue into the tragic incident involving Dutch diver Rob Cornelis Huijben, who died on 9 May during operations to recover the wreck of the Bayesian sailing ship, which sank off the coast of Porticello in August 2024.

According to the findings of the investigation coordinated by Deputy Prosecutor Raffaele Cammarano and Acting Prosecutor Concetta Federico, the divers from the Dutch company Smit Salvage did not meet the minimum requirements for deep-sea diving. Current legislation requires operators working in this field to be registered in the “Repertorio Telematico della Subacquea Industriale” (Industrial Diving Register), managed by Group VI of the Sicilian Regional Department of Labour. If divers are not registered, responsibility for any accidents, such as in the case of the diver who died in Porticello, falls on the owners of the company carrying out the work.

The crucial point of the investigation concerns the failure to register the diver working on the Bayesian in the aforementioned register. The legislation, which is relevant at both national and EU level (Directive 2005/36/EC), is an extension of Legislative Decree 81/2008 on health and safety in the workplace, with particular reference to diving activities. Presidential Decree No. 31/2018 of the Region of Sicily also specifies the bottom times and minimum number of dives required to obtain certification to operate in underwater environments up to -50 metres (Top-Up).

The Register, established for the purposes of traceability and safety assurance, allows the regional administration to verify, through the individual logbook of each diver, that they have the necessary training and practical experience to operate safely at significant depths, in line with IDSA (International Diving Schools Association) international standards, as required by Regional Law No. 7 of 21 April 2016.

Registration in the Telematic Register also allows the Regional Department to check that each diving operator has documented training and operational experience in accordance with IDSA standards and the courses recommended by the IMCA (International Marine Contractors Association), the international reference body for diving and offshore activities.

Since the launch of the Sicilian register in March 2021, which lists 164 individuals, 70 of whom reside in Sicily, 80 in other Italian regions and 14 abroad (a significant number given the highly specialised nature of this activity), none of the registrants has ever been involved in serious or fatal accidents in the course of their professional diving activities.

SmitSalvage should have submitted, in advance to the regional administration, all documentation certifying the training received by its personnel, carried out in Italy or abroad, as required by current legislation.

An apparently obvious question may arise: 'What is the connection between the diver's training and his death, which occurred as a result of the boom explosion? Liability arises when the employer assigns high-risk tasks to personnel without certified training, appoints senior site managers without adequate preparation, or entrusts the drafting of the Safety Plan to an RSPP (Responsabile del Servizio di Prevenzione e Protezione, or Prevention and Protection Service Manager) without verifying the actual qualifications of the operational personnel. In such circumstances, criminal and civil liability therefore extends to the employer, the site manager and the RSPP himself.

Divers who do not hold the certifications required by Law 7/2016 can only operate on the surface, performing support activities using tools such as sonar scans, which are useful for identifying, in the case of the Bayesian, the points at which to apply the bands for hauling the wreck, located at a depth of about 50 metres.

A further critical issue is the potential environmental risk: the use of unqualified operators could compromise the integrity of the Bayesian's hull, which still contains approximately 18,000 litres of fuel. This is a sufficient quantity to constitute a serious environmental hazard, which is being monitored by the competent authorities in order to prevent possible spills.

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