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PRESS RELEASE

"Necessary action" taken by the Termini Imerese Public Prosecutor's Office against the representative of Smith Salvage **Bayesian case: owner of company under investigation for death of Dutch diver** **Underwater robots to be used for wreck recovery from now on**



PALERMO (June 1, 2025) - Investigations into the tragic death of diver Rob Cornelis Huijben, which occurred during the recovery of the Bayesian sailing ship in Porticello, have led to the legal representative of Smith Salvage, the company for which the diver worked, being placed under investigation. The charges are manslaughter and violation of workplace safety regulations.

Prosecutors Concetta Federico and Raffaele Cammarano, from the Termini Imerese Public Prosecutor's Office, ordered the registration as a 'necessary formality', even before the autopsy, to allow the owner of the company to appoint a consultant during the examination of the body. The investigation aims to ascertain any responsibility in the management of the safety of the divers involved in the operations to cut the boom of the Bayesian, which sank in August last year. One of the critical points of the investigation concerns the registration of the diver in the Industrial Diving Telematic Register, managed by Service VI of the Sicilian Region's Department of Labor, which also

coordinates employment centers, youth and precarious employment policies, and national mobility. This is the minimum requirement for the application of the Consolidated Law on Safety at Work (Legislative Decree No. 81 of 2008), which guarantees workers an adequate level of experience aimed at protecting both the employer, as it defines levels of competence for safe operation, and the worker and institutions that currently expose workers in the sector to serious risks.

According to current legislation, a diver must be registered in the Industrial Diving Telematic Register (registration subsequent to that at a Port Authority as OTS) in order to operate safely at different depths: Inshore up to -30 meters, Top Up between -30 and -50 meters, and Saturation beyond -50 meters.

In accordance with the Consolidated Law, registration is considered necessary for operators of companies operating outside ports, specifically for the Top Up level, which certifies the minimum training and experience required for divers to work at depths of -30 to -50 meters.

The absence of this registration raises questions about the failure to apply Legislative Decree 81/2008, which regulates safety at work. The document establishes that each operator must receive training appropriate to the specific risks of their activity, binding companies to comply with certain standards. The Sicilian Region, in Presidential Decree No. 31/2018, defines the minimum dive times and depths required to work at certain depths, with checks entrusted to the competent department.

European Directive 2005/36/EC also stipulates that national authorities must verify the professional qualifications of foreign workers before allowing them to work in other Member States. For example, an Italian diver wishing to work in the Netherlands would have to obtain authorization from the National Diving Centre, which is responsible for recognizing qualifications.

The ongoing investigation will seek to clarify whether these checks were carried out correctly in Huijben's case and whether his experience was sufficient to ensure safety in underwater operations.

Meanwhile, wreck recovery operations continue. However, following the accident, divers have been replaced by underwater robots, while the two cranes Lift 10 and Lift 2, operated by Hebooper on behalf of TMC Marine, are working to bring the Bayesian to the surface in the first week of June.

The Huijben accident has thus reignited the debate on safety in underwater work, highlighting the need for stricter controls and adequate training for operators in the sector. The tragedy of May 9 adds to the dramatic history of a sailing ship already marked by the death of its owner, his daughter, and other passengers, who were swept away by a storm a year ago.

The Bayesian, previously considered an unsinkable vessel, continues to be shrouded in mystery and tragedy. Its recovery is not only a technical issue but also a symbol of the need for greater attention to safety in underwater work.

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